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DIVING INTO THE CONTENTIOUSNESS OF THE POST-ETA-YEARS

Drawing a mixed-method approximation to the state of the parliamentary talks
addressing the ETA-years

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ABSTRACT

It has been over four years since the absolute end of the ETA-years as they were definitely closed with ETA's disbandment in May 2018. This was a period of special political but also human rights-related significance for Spain and, specially, the Basque Country, as mainly ETA, but other non-State actors and the State as well, committed significant human rights violations. Therefore, now, addressing the ETA-years comes as a mandatory prescription in order to redress victims of human rights violations as well as to advance in societal-democratic goals. But, while this general consideration is widely held, its actual configuration and execution is deeply contentious.

This work tries to tackle this issue precisely through its complexity and contentiousness: looking specifically at the 'state of parliamentary talks (in the Spanish Congress of Deputies, Basque Parliament and Parliament of Navarre) addressing the ETA-years during these four post-ETA-years. And it does so employing a comprehensiveness-seeking mixed-method content analysis. Transitional Justice and the meta-conflict are taken as underlying instrumental (but thoroughly justified and detailed) theoretical basis upon which to build a richer rationale and interpretation for the analysis. A set of variables covering frames/notions for the ETA-years, victims and prisoners, victory-defeat elements, friends-enemies and 'action-guiding principles', and, of categories of 'parliament', 'political forces' and 'theme' complete the framework for a content analysis that draws first quantitative (relative frequency) results which complemented by *ad hoc* qualitative takes.

- **Keywords:** ETA-years, parliamentary talks, Transitional Justice, meta-conflict

LIST OF ABBREVIATIONS, ACRONYMS, INITIALS AND SYMBOLS

ANC	African National Congress
ATA	Amnistia Ta Askatasuna [Amnesty And Freedom – a RBPL organization in favour of amnesty of ETA prisoners]
AVT	Asociación de Víctimas del Terrorismo [Association of Victims of Terrorism]
BAC	Basque Autonomous Community
BP	Basque Parliament
BPL	Basque Patriotic Left
BVE	Batallón Vasco Español [Basque Spanish Batallion]
CCAA	Comandos Autónomos Anticapitalistas [Autonomous Anticapitalist Commandos]
CCN	Chartered Community of Navarre
CECVR	Comisión de Entrega de la Comisión de la Verdad y Reconciliación [Truth and Reconciliation Commission's Delivery Commission - Peru]
CIS	Centro de Investigaciones Sociológicas [Centre for Sociological Investigations]
CoD	(Spanish) Congress of Deputies
C's	Ciudadanos [Citizens – political party]
DRIL	Directorio Revolucionario Ibérico de Liberación [Iberian Revolutionary Liberation Directory]
EA	Eusko Alkartasuna [Basque Solidarity – political party]
EAJ-PNV	Euskal Alderdi Jeltzalea – Partido Nacionalista Vasco [Basque Nationalist Party]
ECHR	European Convention on Human Rights / Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EHB	Euskal Herria Bildu / EH Bildu [Basque Country Gather]
EPPK	Euskal Preso Politikoen Kolektiboa [Collective of Basque Political Prisoners]
ETA	Euskadi Ta Askatasuna [Basque Country and Freedom]
ETA(m)	ETA military

ETA(pm)	ETA political-military
ETA VII	ETA VII assembly
ETA VIII	ETA VIII assembly
EU	European Union
GAL	Grupos Antiterroristas de Liberación [Antiterrorist Liberation Groups]
GB	Geroa Bai [Yes Future – political coalition]
Genocide Convention	(The 1948) Convention on the Prevention and Punishment of the Crime of Genocide
HB	Herri Batasuna [Popular Unity – political party]
ICC	International Criminal Court
ICL	International Criminal Law
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the former Yugoslavia
IHL	International Humanitarian Law
IK	Iparretarrak
IRA	Irish Republican Army
IU	Izquierda Unida [United Left – political party-coalition]
KWIC	Key Word in Context
MRTA	Movimiento Revolucionario Tupac Amaru [Tupac Amaru Revolutionary Movement]
NA+	Navarra Suma [Sum Navarre – political party-coalition]
OIET	Observatorio Internacional de Estudios sobre Terrorismo
PoN	Parliament of Navarre
PP	Partido Popular [Popular Party]
PSE-EE	Partido Socialista de Euskadi – Euskadiko Ezkerra [Socialist Party of the Basque Country – Left of the Basque Country]
PSN-PSOE	Partido Socialista Navarro – Partido Socialista Obrero Español [Navarrese Socialist Party – Spanish Socialist Workers’ Party]
PSOE	Partido Socialista Obrero Español [Spanish Socialist Workers’ Party]
RBPL	Radical Basque Patriotic Left

SAN	Sentencia de la Audiencia Nacional [Sentence of the (Spanish) High Cort]
SC	(The) Spanish Constitution (of 1978)
SF	Security Forces
UCDP	Uppsala Conflict Data Program
UN	United Nations
UNSC	United Nations Security Council
UP+I-E	Unidas Podemos (adding Izquierda-Ezkerra)
UPN	Unión del Pueblo Navarro [Navarrese People's Union – political party]
UPNA	Universidad Pública de Navarra [Public University of Navarre]
USA	United States of America
TJ	Transitional Justice
TRC	Truth and Reconciliation Commission
WWII	2nd World War

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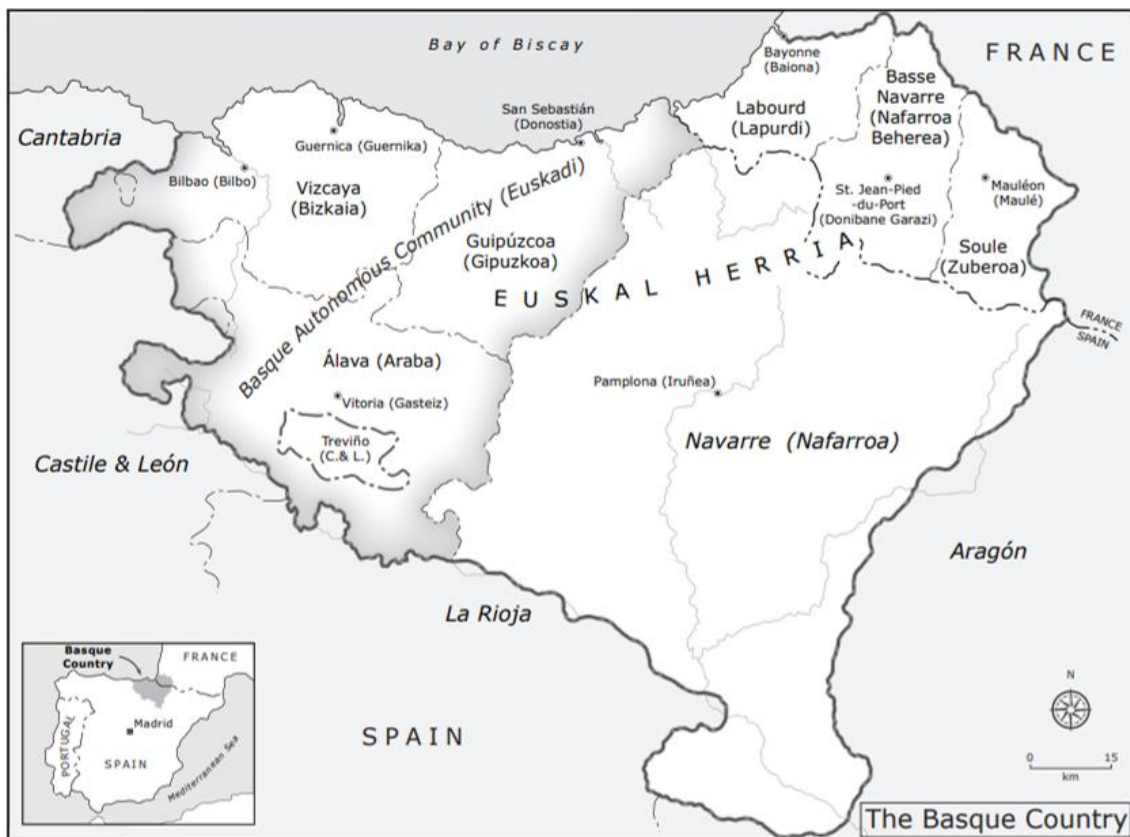
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1. INTRODUCTION

1.1. The ETA-years and addressing them

ETA, standing for ‘Euskadi Ta Askatasuna’ (‘Basque Country And Freedom’), was a terrorist group usually categorized under the umbrella of ‘ethnic/regional/nationalist terrorism’, self-described as “the Basque socialist revolutionary organization for national liberation” (ETA 2018a; 2018b) as it had the independence of the Basque Country (encompassing the territories in *Figure 1*) and socialism (to a lesser extent and ambiguously) as its final goals.

Figure 1: The legal and cultural geography of the Basque Country



Source: (Whitfield, 2014, p. 22)

ETA was created in December 1958 announcing formally its foundation on 31 July 1959. After a few assemblies in the early 1960s the armed strategy was definitively set and the first fatal victims would come in 1968.

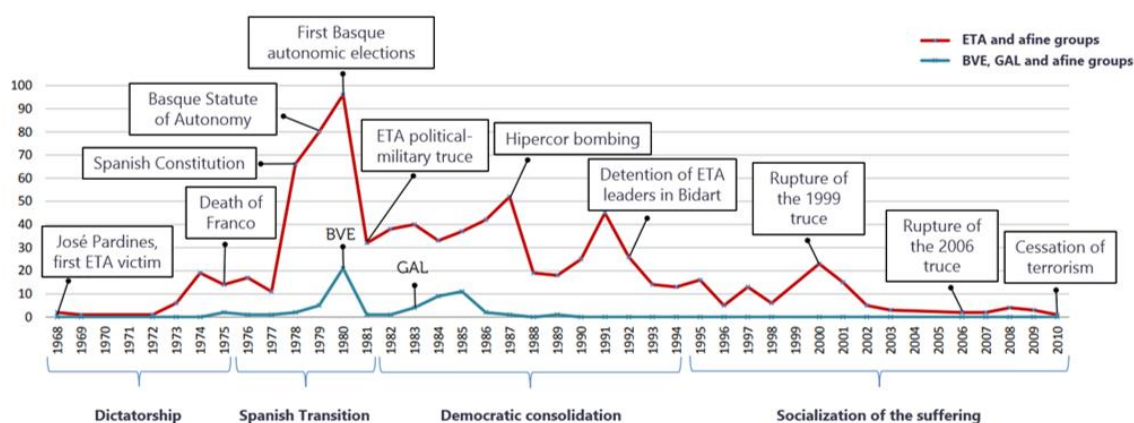
On 3 May 2018 ETA announced that it had “completely dismantled all of its structures” (ETA, 2018b) and “put an end to all its political activity” (ETA, 2018b). After announcing ‘the definitive cessation of armed struggle’ in October 2011 (ETA, 2011), the completion

of its disarming in April 2017 (ETA, 2017) and making public a ‘Declaration on harm caused’ in April 2018 (ETA, 2018a) this announcement put an end to its (basically) unilateral process of disarming and dissolution, and, thus, to the ETA-years.

We talk here about the ETA-years because during the period in between these years, during its existence or/and armed activity, ETA was the actor around which a relevant part of the Spanish and (especially) Basque political and human rights situation unfolded. Starting in the time of Franco’s dictatorship, through Spanish ‘Transition’ to the current democratic regime and until the 2010s, ETA persisted and, with it, the ETA-years. Over the years with varying relevance, ways and features, but it is possible to talk of this period in its own terms due to its political and human rights-related imprint.

Figure 2 illustrates this partially by showing the terrorist fatalities per year. Periods of higher or lower intensity of the violence can be spotted along with some contextualization through periodization and featuring relevant events.

Figure 2: Number of terrorist fatalities per year (by ETA and related groups, and by extreme right-wing and parapolice terrorism) featuring some important milestones (period 1968-2010)



Source: (López Romo, 2014, p. 40) – adapted

ETA appears as the main cause of killings. But not the only one. Figure 2 also includes reference to some extreme right-wing and parapolice terrorist groups active during the 1970s and 80s. The existence of other actors behind human right violations is another reason to talk about the ETA-years: a period/context with notable human rights violations which has ETA as its central but not only actor and cause behind those human right violations.

Table 1: Summary table of human rights violations in the Basque case (1960-2013)

	1960-1975	1976-1978	1979-1982	1983-2013	1960 a 2013 Total count
By ETA, ETA(pm), ETA(m), ETA VII, ETA VIII, CCAA, DRIL, IK, Iraultza and others					
Dead people					837
- In attacks	24	99	244	444	811
- Kidnapped and dead	-	2	8	5	15
- Still disappeared	3	-	-	-	3
- Their corpses were found	2	-	-	-	2
- By <i>kale borroka</i> (street violence)	-	-	-	2	2
- Others	1	1	-	2	4
Injured people					2.365-2.600
- In attacks	103	132	347	1597	2179
- Kidnapped and shot(s) in the leg	-	3	12	-	15
- Kidnapped and then freed	3	6	18	14	41
- Kidnapped and freed by the SF	-	-	2	4	6
- Kidnapped to steal a vehicle	?	8	44	45	97
- By <i>kale borroka</i> (street violence)					27
Other data					
- Number of attacks					Around 3,600
- Financially extorted people					Thousands of people
- People with bodyguards					1,500 to 2,000
- No. of <i>kale borroka</i> (street violence) acts					4,500 approx.
By Security Forces					
Dead people					94
- Under police custody	3	-	3	3	9
- At police controls and the like	9	5	6	-	20
- Confusions, errors, abuses and others	7	3	5	2	17
- Altercations by off-duty police officers	1	4	7	4	16
- In demonstrations and mobilisations	4	18	3	5	30
- By capital punishment	2				2
Injured people					746
- At police controls and the like	6	15	17	9	47
- Confusions, errors, abuses and others	3	14	7	16	40
- Altercations by off-duty police officers	1	4	4	9	18
- Serious injuries in demonstrations	71	351	40	179	641
Other data					
- Torture					Not enough data, 5,500 public denunciations
By parapolice and extreme right-wing					
Dead people					73
- In attacks and aggressions	2	3	28	28	61
- In mobilisations	-	3	-	-	3
- After being kidnapped	-	-	2	2	4
- Still disappeared today	-	1	1	1	3
- Raped and dead women	-	-	2	-	2
Injured people					426
- In attacks or aggressions	16	87	119	101	323
- In demonstrations and mobilisations	?	22	8	2	32
- Raped women	-	?	12	1	13
- Kidnapped people (Interrogated, hit and threatened)	3	6	12	37	58
Other data					
- Attacks against property and/or with death threats	138	217	204	394	953

Note: This does not include events requiring further investigation, which total 201 cases, with 77 people killed.

Source: (Carmena, Landa, Múgica, and, Uriarte, 2013, p. 14)

Table 1, a summary on human rights violations from a 2013 Basque Government base report for further investigation and projects, even if maybe incomplete or not fully exact, gives a good synthetical account on the context of human rights violations during the ETA-years. And goes deeper into the issue of the different actors behind the human rights violation, with (to some extent) quantitative-comparable data (that clearly exhibits ETA as the main responsible), but also pointing out the responsibility of the State for some.

It is present in the category of Security Forces and with notably relevant examples such as that of torture that has made it to be a concern at the international human rights framework level in the XXIst century: the UN Special Rapporteur on torture concluded that practices of torture or cruel, inhuman or degrading treatment against detainees in relation to ETA or the BPL were “more than sporadic and incidental” (UN, 2004, § 58), and eight cases in the ECtHR ended up in sentences against Spain for violating article 3 of the ECHR (mainly due to not complying with the positive obligations on it)¹. But it is also implicit on the category of ‘parapolice groups’ as the case of the GAL constitutes one of state-endorsed terrorism (through the Spanish Government’s ministry of Internal Affairs).

We could keep on going by pointing out further details and cases or even addressing the suffering that cannot be categorized as human right violations, but it is anyway already evident the relevance of the ETA-years for a human rights-sensitive approach. The ETA-years have to be addressed in order to respond to the rights of individual victims of human rights violations, but also to progress towards wider societal and democratic goals.

However, even if this view is basically widespread, even amongst political actors, the effective articulation and exercise of this general idea carries controversy mostly. The ETA-years and addressing them are an inherently contentious subject. From the total lethal victims toll to the sense given to the violence and certain political positions passing through the veracity/validity of official reports, almost nothing is without debate. The present work attempts to take a look into this issue precisely through its complexity, going straight to contentiousness. In the end, it is under this light that the current situation regarding the issue of facing the ETA-years can be understood. It is by addressing the

¹ ‘Martinez Sala And Others v. Spain’; ‘San Argimiro Isasa v Spain’; ‘Beristain Ukar v Spain’; ‘Otamendi Egiguren v. Spain’; ‘Ataun Rojo v. Spain’; ‘Etxebarria Caballero v. Spain’; ‘Arratibel Gartziandia v. Spain’; and, ‘Beortegi Martinez v. Spain.

complexity of the political discourse element behind attitudes towards facing the ETA-years that one can address how the situation is in relation to that topic.

And, because of that, the focus will be set on the parliamentary sessions of the Congress of Deputies, Basque Parliament and Parliament of Navarre that during the four years since ETA's dissolution have addressed the ETA-years. Because, in the end, parliament presents a relevant role in relation to policymaking (law-making but also control of the executive) while at the same time bidirectionally relating to public opinion: selected in elections but also giving form to it through the political positions it reflects and articulates (at the same time also informed by public opinion). These elements make it an interesting multifaceted subject of study.

1.2. Research question(s)

The basic research question guiding the rationale of the research is the next one:

What is the state of the parliamentary talks related to addressing the ETA-years during the 4 years immediately following ETA's disbandment?

The present research pretends to be as comprehensive as possible in the work of elucidating this question and will focus on elements to be measured within those parliamentary talks. These elements will be measured attending to different categories that allow concretizing the general question into more specific research questions that will more directly relate to the employed descriptive content analysis methodology (section 1.4):

A) What is the level of employment of the different significative elements when addressing the ETA-years on parliamentary sessions addressing the ETA-years in the CoD, BP and PoN during the period of four years after ETA's dissolution?

B) What is the level of employment of the different significative elements when addressing the ETA-years on parliamentary sessions addressing the ETA-years in the CoD, BP and PoN during the period of four years after ETA's dissolution, in each of the three parliaments?

C) What is the level of employment of the different significative elements when addressing the ETA-years on parliamentary sessions addressing the ETA-years in the CoD, BP and PoN during the period of four years after ETA's dissolution, by each 'political force'?

D) What is the level of employment of the different significative elements when addressing the ETA-years on parliamentary sessions addressing the ETA-years in the CoD, BP and PoN during the period of four years after ETA's dissolution, when addressing each topic?

So, the state of the parliamentary talks in relation to the ETA-years will be taken into consideration on the basis of the presence/usage of certain elements A) in general, B) in each parliament, C) by political force, and D) when addressing each topic. And all this, will be constructed and later interpreted coming from a theoretical basis relying mainly on Transitional Justice and the 'meta-conflict'.

1.3. Theoretical background

This specific section in the introduction is designed as to give the reader a preliminary account the overarching theoretical fundamentals of the present work. As it will appear as obvious briefly, the theoretical background applied here is not conformed by a single-source fixed theoretical frame. Instead, it consists of a fundamental quite open (all theoretically, disciplinarily and pragmatically) and contentious basis which allows to employ some specific *ad hoc* frames in order to address certain concrete constitutive or complementary questions.

That frame is built on the basis of Transitional Justice and, related to it, the meta-conflict. Section 2 displays and addresses many specifics of them, including issues of contentiousness. In section 2.4, the properly developed own position employed for this work is addressed with these two major points in its core:

- The 'meta-conflict' is a/the basic focus of interest of the research as a whole, as it is a basic realm upon which controversies when addressing the ETA-years are built.
- A TJ framework is assumed as the interpretative framework on the sense of addressing the ETA-years. It is assumed as such on the grounds of the centrality of human rights violations when it comes to the task of addressing the ETA-years,

and, on the comprehension that there are further normative aims regarding democracy that come as compatible with a TJ approach. In any case, all this is done on interpretative-instrumental terms, as the objective of the research is not to determine whether TJ is fit for the Basque case or to draw a TJ initiative/s for it.

This is just a preview of the theoretical background of this research, as full comprehension of these requires going through section 2.

The basic frame is further specified in the construction of categorizations and variables in section 3. These employ some theoretical or literature-based background (sometimes in combination with some inductive take on the sample of content analysis) brought *ad hoc* for the specific issues. But, all, in way that responds to and is coherent with the basic theoretical framework established on the basis of TJ and the meta-conflict (see section 2.4.2 for details on this gearing).

1.4. Methodology

This work is built around mixed-method content analysis. The main sources for the methodological building of the work have been Neuendorf (2002) and Nefes (2020). Neuendorf (2002) has been the main one (employed for many specific features), but, as it conceives the content analysis “as the systematic, objective, quantitative analysis of message characteristics” (Neuendorf, 2002, p. 1), the foundations for the mixed-method content analysis presented here is only reached when including Nefes (2020). Nefes’ (2020) also focus on parliamentary debates, and, for it, he presents mixed-method content analysis as “an apt and creative technique to investigate large amounts of political texts” (Nefes, 2020, p. 264). Without getting here into the details of Nefes’ research, mixed-method is considered there as having “provided a thorough interpretation by (1) providing a logistic regression analysis that precisely presented the statistical effect sizes of the categorical variables, (2) qualitatively exploring the cases and contexts that were not predicted by the statistical model, (3) unveiling the latent and manifest content of the speeches, and (4) enabling a more consistent analysis through interrater reliability” (Nefes, 2020, p. 269). The method employed here does not copy Nefes’ method, but it does draw on some of it to complement the central quantitative approach seeking a better

elaboration and interpretation, and even generalization and triangulation, applying some of the qualitative take of points (2), (3) and (4).

Getting into some specifics of the methodology, first, it has to be mentioned that the approach of the content analysis is a descriptive one.

The sample is selected mainly on the basis of the researcher's qualitative consideration of any parliamentary session sections that have as their main feature or topic 'addressing the ETA-years'. As such the sample also somehow constitutes a 'population', as all those pieces are considered. In total parliamentary sections have been reviewed for the period going from 3 May 2018 to 12 May 2022, featuring 335 message units out of 85 parliamentary sessions and 97 session sections in the final sample².

The construction of categorizations and variables for measurements³ draws on a mix of literature-driven deductive approach and an inductive qualitative look at the parliamentary session sections that form the sample (they balance differently depending on the specific categorizations or variables). The thematic categorizations require coder categorization. The coding process shed the next intercoder reliability for *Cohen's kappa*⁴:

- 'Context specific categorization 1': 77.39
- 'Context specific categorization 2': 78.96
- 'TJ categorization': 71.74

So, they present a good/decent level of reliability to be employed in the content analysis.

The quantitative measurement employed will just be one of relative frequency: frequency per 10,000 words. This is the way in which the quantitative results are presented in section 4. In that same section some complementary qualitative takes will be presented aided mainly by Key Word in Context technique.

A last mention will be made here warning on how, even if the mixed-method content analysis is central to the configuration of the work, does not mean that what is the content analysis *per se* is the predominant element on the development of the work. The

² See section C in the Annex for more detail on the sample and sampling.

³ The categories' *codebook* and variables *dictionary* are displayed in sections F and G in the Annex (Tables 15 and 16).

⁴ See the end of Annex section C for more detail.

development of the framework will also have a paramount presence here. This comes as a consequence of the innovative and comprehensiveness-seeking approach. Such an approach requires a thorough theoretical and conceptual justification, and, even more so if we consider the contentious nature of the issue, and the contentiousness being itself the main point of interest.

In a way, and surely keeping their relevance, the content analysis and its results come as a corollary of the previously developed framework, serving to certain extent as a contrast (as sort of a trial) and providing additional information to topics developed previously.

1.5. Interest of the research

No such research has been done, at least for the post-ETA-years scenario. The OIET study on “the interpretative frames disseminated by the Patriotic Left” (OIET, 2015) has some similarities in the approach but not on the topic or scope.

The overall topic of addressing the ETA-years has a pressing individual and societal human rights-centered interest. Focusing on the contentiousness of the issue links with the most relevant/impacting element for it, because the politically-founded disagreements (and some agreements) are what determine the situation in the post-ETA-years scenario. The parliaments are a scenario in which these are presented in a context that relates to both, policy-making and public opinion (both of clear relevance to the general issue).

1.6. Structure overview

Besides this introduction that Section 1 constitutes, the work is made up of 3 other sections and a conclusion.

Section 2 gives form to the general theoretical basis, upon TJ and, in relation to this, the meta-conflict, that completes and expands the rationale of the research already introduced in this section. Section 2.1 includes a brief overview of the basics of TJ and reviews some arguments by other type of actors on the question of its applicability for the Basque case. Section 2.2 moves on to specifically cover the issue of the ‘meta-conflict’ as it is presented in the post-ETA-years case, starting with the ‘terrorism narrative’ and moving on to the ‘conflict narrative’. Section 2.3 faces the nuances of TJ in the non-paradigmatic

form that it would need for the post-ETA-years scenario, featuring potentials and possible problems or limitations for its application to the Basque case. Based on the display presented along the previous sections, finally section 2.4 gets directly to this work's position on the issues in what comes to the assumptions made for the research (2.4.1) and the impact they have on the configuration of the rest of the work (2.4.2).

Section 3 constitutes a more specific conceptualization of the categorizations applied to the message units that constitute the sample (3.1) and the variables to be measured within (3.2). It pretends to fundament the choice and meaning of these as well as presenting some details on their technicalities. They are the grounds on which the final categorizations' *codebook* and variables *dictionary* are based (presented in sections F and G in the Annex).

Section 4 displays the quantitative results along with comments on it, complemented, when convenient, by qualitative takes coming from usage of KWIC technique.

Finally, section 5, the conclusion, takes brief synthetical view and raps it all up with some consideration on the achievements and limitations of the work.

2. TRANSITIONAL JUSTICE AND THE ‘META-CONFLICT’ AS GENERAL THEORETICAL BASIS ON ADDRESSING THE ETA-YEARS

TJ and meta-conflict lay a wide and plural ground over which the plurality of issues and positions of interest to the present work can be addressed in one without renouncing to most of their contrasting or contradictory stances.

This section looks into the specifics of this basis in its relation to the Basque post-ETA case setting the basic understanding of this work’s approach as well as furthering the contextualization – as it addresses existing debates on the fundamental nature of the ETA – years and how they should be addressed.

2.1. Transitional Justice and the existing debate over its applicability to the Basque case

Although faced with emerging critiques as it has developed, TJ is a framework which has experienced a pronounced rise for some decades now.

The 2004 UN Secretary-General report on *The rule of law and TJ in conflict and post-conflict societies* presents the notion of it as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (UN. Secretary-General, 2004, § 8). “This is today the most commonly used definition” (EU, 2015, p. 2), the one that is ultimately understood as the general comprehension of TJ by the UN (UN, 2010, p. 2). And, it is, at the same time, a conceptually wide/fundamental one. The genesis of TJ as an emerging framework during the late 1980s and early to mid-1990s came hand in hand with the notion of ‘transition’ as, precisely, transition from authoritative regime to democracy, to which transition from war to peace would follow soon. However, “a self-conscious field of practice and study consistently termed ‘transitional justice’ only really came into being around 2000 and after. By this point, the term covered a much broader terrain than transitions to democracy, addressing transitions in a range of societies, most notably those attempting negotiated settlement in protracted social conflicts” (Bell, 2009, p. 8). The basic UN definition bears the imprint of this evolution. In any case, TJ has come on to define a quite established set of

elements/principles that pretty much comprise it. Namely, “truth, justice, reparations and guarantees of non-recurrence/institutional reform” (EU, 2015, p. 5). This is a basic understanding of TJ from which to advance into the nuances that the debate over its application to the post-ETA-years scenario brings.

Ever since the definitive cessation of ETA’s armed activity in 2011, TJ has been floating around conversations regarding how to address the ETA-years. It has been mainly brought into the talk by Basque Patriotic Left sectors and by ‘third-way’ civil society associations⁵. The first main presentation of such a project for the Basque Country by the BPL, came with the document titled ‘Solution is blowing in the wind’. It stated the following: “as has occurred in other conflicts, we will need a transitional justice to establish a set of political and legal measures that help to develop the democratic process that permits to achieve peace” (Ezker Abertzalea, 2012, p. 17). TJ was deemed necessary in order to: 1) end all the violence (referring primarily to “the current inhumane prison policy” (Ezker Abertzalea, 2012, p. 17)); 2) respond to consequences of the conflict (including the ‘demilitarization’ and allowing prisoners and exiles to ‘return home’ and reintegrate) 3) promote reconciliation; 4) truth seeking, for which the creation of “an international and independent Truth Commission” (Ezker Abertzalea, 2012, p. 20) was deemed necessary; and, 5) give place to “[d]ialogue and democratic agreement to guarantee non-repetition” (Ezker Abertzalea, 2012, p. 21). Overall it is considered that TJ “does not seek winners and losers, but a solution through which the whole country wins” (Ezker Abertzalea, 2012, p. 17).

At the civil society ‘third-way’ association level, the Social Forum has been the main actor quite consistently bringing TJ to the table. This Social Forum is “a civil society organization of the French Basque Country, [promoted by Lokarri and Bake Bidea] with the participation of a wide range of other social actors and the support of international non-governmental organisations and experts” (Whitfield, 2014, pp. 290-291). Since its first forum it has been quite consistently calling for TJ regarding the issue of prisoners and exiles: “[they believed] that it [was] necessary to adapt legality to reality and apply transitional justice, helping society to consolidate coexistence” (Foro Social, 2013). And, the current Permanent Social Forum has continued bringing TJ into the conversation: for instance, a March 2021 online publication considered the application of TJ mechanisms

⁵ “a ‘third way’ in Basque politics that prioritised the role that could be played by dialogue as an alternative to violence, and encouraged perspectives derived from other peace processes” (Whitfield, 2014, p. 316).

in order to advance on the recognition and rights to truth and justice of victims of torture (Foro Social, 2021), and, an act on 6 November 2021 featured the intervention of former Colombian president Ernesto Samper, who, among other topics, talked about application of TJ in the Colombian case (Iantzi and Sola, 2021).

At an academic level, Joxerramon Bengoetxea (2013; 2020) has provided a consistent and quite comprehensive explanation that considers TJ applicable to the Basque case in a way complementary to ordinary law. His take on the issue is condensed in the next paragraph:

TJ in the Basque Country does not refer to regime change. Rather it refers to a field and a scenario after the dissolution of ETA where measures are agreed and adopted as regards the past - truth seeking, historic memory – as regards the present – recognition of the harm caused to victims and to society generally, full respect of human rights and procedural guarantees by the State and all its organs - and as regards the future - the facilitation of progressive and gradual measures towards ETA prisoners' reintegration, non-repetition and reconciliation. The horizon of such TJ would be a new scenario where the conflict and the human rights abuses committed in response to the conflict are part of collective memory and serve as a foundation of the social contract for peace and respect for all. (Bengoetxea, 2020, p. 605)

This stance can be contextualized in a broader theoretical frame by mentioning his explanation of how TJ “involves three important diachronic stages. It is a process that flashes back into the past, but is always looking forward to a model of society to be set up after transition” (Bengoetxea, 2013, p. 36). A last interesting point to mention on his takes revolves around how “[a] victors’ justice that insists on the strict application of the law for some perpetrators, “terrorists” and “enemies” while excusing, condoning or minimising the seriousness of other violations of human rights by organs of the State is a real obstacle to such transition.” (Bengoetxea, 2013, p. 52).

The option of TJ for the Basque Country is not seen to be treated in too much depth by its detractors. However, an illustrative and synthetic example from this perspective is how relevant judges such as Iñaki Subijana (*El País*, 2013), Juan Luis Ibarra and Adela Asua

(*Noticias de Gipuzkoa*, 2016)⁶ rejected the applicability of such a framework for similar reasons. Namely, and broadly speaking: the absence of what would be a paradigmatic transition (war to peace, or, non-democratic regime to democratic regime) and, instead, the persistence of the Rule of Law (even if it had some specific problems) that faced a criminal-terrorist issue.

All in all, these references illustrative of the debate regarding the applicability of the TJ framework to the post-ETA-years case hint at (more explicitly or implicitly) the two cornerstones that, beyond specificities, set the rationale to the debate: the existence or not, and nature of, a ‘conflict’ and a ‘transition’. Amaia Alvarez Berastegui (2017) clearly puts this to issues to the forefront of the concept of TJ in the case of established democracies facing political violence, focusing specifically on the Northern Irish and Basque cases. In both, the ‘meta-conflict’ and the nature of a non-paradigmatic transition seem indispensable for further comprehension.

The next two sections tackle these two issues in order to set straight the general instrumental theoretical basis we seek here.

2.2. The ‘meta-conflict’

Alvarez Berastegui takes the concept of ‘meta-conflict’ from O’Leary and MacGarry’s 1995 work *Explaining Northern Ireland: Broken Images*, understanding it as “a conflict over what was the conflict about” (Alvarez Berastegui, 2017, p. 543). However, at the explicit level in the Basque case (at least) this meta-conflict is expressed at an even previous level: a conflict over whether there is a conflict; a conflict over the nature of the issue. This is clearly put in Alvarez Berastegui’s writing (2017, p. 543) as the meta-conflict is equated to the conflict vs. terrorism narrative-paradigm clash. It is in this sense in which ‘meta-conflict’ is used in this work as well.

Theresa Whitfield addresses this issue (not explicitly in ‘meta-conflict’ terms, but in equivalent ones) in a section of the introduction to her book *Endgame for ETA* (Whitfield, 2014, pp. 16-21), in a synthetic way that seems appropriate to present in order to get a

⁶ At the time president of the Court of Gipuzkoa, president of the High Court of Justice of the Basque Country, and, vice-president of the Constitutional Court, respectively.

first grasp to how this ‘meta-conflict’ is played in the Basque case. First of all, she explains how

Language itself has become part of the battlefield. A Basque who refers openly to the existence of a ‘conflict’, even if only to try to explain the relationship of ETA to the distinct ‘political conflict’ with Madrid, may vehemently oppose ETA’s violence [...] but he or she will most likely be of nationalist inclination. A pro-Spanish or constitutionalist individual will refer to the political aspects of the Basque problem as ‘contentious’, but in most situations go to great lengths to avoid the use of the word ‘conflict’—on grounds that there is only one ‘band’, or armed group—even as he or she may refer in the same breath to the ‘battle’ or ‘war’ against ETA’s terrorism and exhort the clear identification of ‘winners’ and ‘losers’. (Whitfield, 2014, p. 17)

Acknowledging this ‘battle’, she goes on to address both paradigms in their major features.

Regarding terrorism, her main point is that “[t]here are political and social aspects to the Basque issue that simply calling ETA ‘terrorist’ does not explain” (Whitfield, 2014, p. 17).

I acknowledge that ETA clearly and consistently employed terrorism as a method, but I also maintain that this fact alone does little to further our understanding of its long duration and the difficulties encountered in persuading it to channel its grievances through the democratic process. (Whitfield, 2014, p. 19)

“The problem is the word ‘terrorism’ itself” (Whitfield, 2014, p. 18). Because, 1) “There is no agreed definition of what it means, and thus it is inevitably confusing” (Whitfield, 2014, p. 18); and, 2) “Beyond the discrepancies surrounding what terrorism is lie its negative connotations” (Whitfield, 2014, p. 18), as it just “becomes the paradigm of inhuman bestiality, the quintessential proscribed or tabooed figure of our times” (Zulaika and Douglass quoted in Whitfield, 2014, p. 19).

Further insight on the intricacies of the ‘terrorism paradigm’ may be added to Whitfield’s take by considering different (historic) types of terrorism and how they are regarded. ETA was in its final days ‘old terrorism’ in a context of ‘new terrorism’. “While the ‘old’ forms of violence had clearly expressed political goals, the new forms of violence, based on

identities, primarily religious, are not so visibly aim-oriented.” (Maskaliunaite, 2008, p. 129). “At the end of the decade, when ETA was coming to an end, the depoliticised War on Terror ontology applied to ETA was normalised” (Heath-Kelly and Fernández de Mosteryn, 2021, p. 9). Now “[t]he historical overlap between ETA’s radical separatist campaign of car bombs and assassinations, and Spain’s experience of jihadism, has meant that War on Terror frames are read back onto the legacy of ETA” (Heath-Kelly and Fernández de Mosteryn, 2021, p. 2). This exacerbates the element of negative connotations that terrorism already brings as “[p]olitical ideology is pathologised, rather than treated, as a collective force” (Heath-Kelly and Fernández de Mosteryn, 2021, p. 16). Following this path, the ‘terrorism paradigm’ even (sometimes) devolves ultimately into analogies with events such as the Holocaust, “motivated by the transfer of cultural and normative significance, rather than any direct comparisons between historical events” (Heath-Kelly and Fernández de Mosteryn, 2021, p. 13). “The application of the Holocaust narrative to terrorism frames it as apolitical violence, driven by evil, motivated to destroy the liberties and rights of democratic society. In this way, the War on Terror discourse of ‘new terrorism’ is consolidated through an additional cultural resource” (Heath-Kelly and Fernández de Mosteryn, 2021, p. 14).

Going back to Whitfield’s text, the limitations for understanding the issue that she finds in the ‘terrorism paradigm’ leads her to the next point, that is “to which ETA’s terrorism should be considered the violent expression of a wider ‘Basque conflict’” (Whitfield, 2014, p. 19). The question of recognition of a conflict is a sensitive issue in any case of internal asymmetric conflict, but even more so in Spain, “due to both a particular pride (tinged with a degree of insecurity) in the country’s newly minted democracy and the extreme asymmetry represented by the low level of ETA’s violence, and comparatively moderate and un-militarised response to it by the Spanish state” (Whitfield, 2014, p. 19). All in all, governments usually avoid accepting the existence of a conflict because they “seek not to elevate or dignify the armed group” (Whitfield, 2014, p. 19):

In legal terms, the designation of an ‘armed conflict’ has significant repercussions, as it triggers the application of international humanitarian law as conceived in the Geneva Conventions of 1949 and their Additional Protocols. At a political level, meanwhile, it introduces the idea of equivalence between conflict parties and therefore can be interpreted to impart a degree of legitimacy to the armed group and its grievances. These, in turn, may open the door to dialogue and

negotiation—and thus the demand for compromises to be made. (Whitfield, 2014, p. 20)

Going back to the specifics of the Basque case, two variants to the ‘Basque conflict’ appear in the discussion: the political and the armed one.

The first, “relates to whether, even in the absence of violence, it is correct to understand Basque nationalism [...] as being in ‘conflict’ with those Basques and Spaniards who oppose the recognition of the Basque people as a nation.” (Whitfield, 2014, p.20). Under the light of other authors, we can see how this can be seen as merely referring to the currently existing nationalist movement or to a historic long-run political contention – what is termed as ‘secular conflict’⁷. Anyway, “[s]uch political conflict is, of course, an unremarkable occurrence: non-violent conflicts are addressed by political means the world over, and the Spanish legal and constitutional system is, if Spaniards so wished, well equipped with the instruments to do so in this case as well” (Whitfield, 2014, p.20).

In the case of the ETA-years, especially if we are talking in relation to post-conflict and TJ scenarios, what is mainly in the epicentre of the debate is whether to consider that an ‘armed conflict’ existed. In relation to this question Whitfield (2014, pp. 20-21) brings two main sources for its consideration to the table: the international humanitarian law criteria for ‘non-international armed conflict’ set by Article 3 of the Geneva Conventions, developed and supplemented by the 1977 Additional Protocol II, and established in terms of case law by the ICTY; and, the criteria of the Uppsala Conflict Data Program. In what comes to the first, “that some of the criteria (for example, the level of organisation of ETA) could be used to support the recognition of the Basque case as an armed conflict while others (the level of violence has not necessitated the mobilisation of Spain’s army) could not, suggests that each side in the debate might find grounds to support their pre-existing position, and its resolution would not be forthcoming” (Whitfield, 2014, p. 21). Regarding the second, as the UCDP “defines armed conflict as ‘a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in a calendar year’” (Whitfield, 2014, p. 21), we see “the inclusion of the conflict between the Spanish government and ETA on the UCDP database during the years 1978–82, 1985–7 and 1991–2” (Whitfield, 2014, p. 21), but not the whole ETA

⁷ (Fernández Soldevilla, 2017, p. 23).

years. So, in this light, the determination of whether there was an ‘armed conflict’ in the Basque case seems still deeply controversial even when drawing on pretty rigorous and ‘neutrally set’ criteria.

All told, it has to be mentioned how ‘terrorism’ and ‘conflict’ are not incompatible *per se*. Whitfield makes that clear:

The truth, of course, was that terrorism and the Basque conflict were not mutually exclusive: ETA used terrorism to further the ends of what it perceived and experienced as a conflict. And the fact that it operated on the basis that it was engaged in a conflict with the Spanish state that was obviously ideological in both its origins and ends could not be ignored by any attempt to solve the problem represented by its violence. (Whitfield, 2014, p. 306)

But, in the end, this compatibilization has not just been for ETA.

The framing of the problem of ETA’s violence exclusively in terms of ‘terrorism’—pushing to one side its relationship to the ‘basic incompatibility’ that is at the heart of the conflict—has favoured a response whose dominant framework has been ‘counter-terrorism’. But [...], it has been a hard line to maintain. [...] Before 2012, all Spanish governments embarked upon talks or dialogue that implicitly accepted the existence of a conflict of some sort. (Whitfield, 2014, p. 21).

However, it is clear that this does not in any way put away the fact that (as Whitfield herself makes obvious in her analysis) they are effectively competing paradigms in existing political and even academic discourse. And this is never as evident as when the option of TJ is addressed.

Some main references presented for (BPL or Bengoetxea) and against (the three judges’ opinions) TJ in the Basque case make quite evident the centrality of the acknowledgement of a ‘conflict’ to accept the pertinence of the TJ framework.

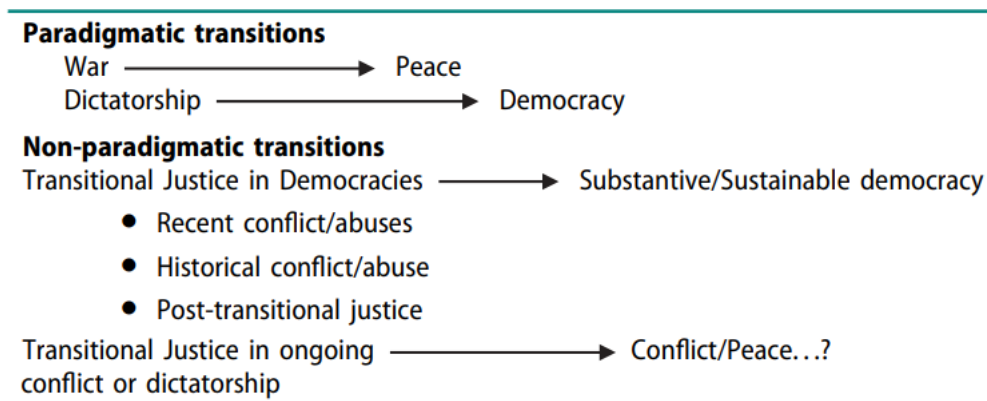
Exceptions to this are hardly found. But as they exist, it is just fair to note it. A case of this is Arteta (2015) who just focuses on ETA (and the related ideology) as the anomaly and proposes TJ measures to address the deep nature of it and the imprint it has left on institutions (including the acceptance of the ‘conflict paradigm’ by some).

Anyway, assumptions of the TJ frame from such positions are clearly exceptional, and the point on the centrality of the ‘meta-conflict’ in the TJ discussion, or addressing the ETA-years more widely, seems undeniable on the light of all the other examples and references considered.

2.3. A non-paradigmatic transition?

In order to frame the Basque (and Northern Irish) case for TJ, Alvarez Berastegui (2017, p. 545) presents this typology of transitions (*Table 2*):

Table 2: Transition typology in Alvarez Berastegui (2017)



Source: (Alvarez Berastegui, 2017, p. 545)

Alvarez Berastegui (2017) points out that the Basque case would fit under the ‘non-paradigmatic transition’ type. Within this, into the case of TJ in ‘(stablished) democracies’. And, finally, into ‘recent conflict/abuses’. This represents a non-usual specificity that needs to be addressed in order to be properly comprehended.

As it has already been mentioned in section 2.1, the configuration of TJ comes historically and conceptually linked to the understanding of transitions in specific terms: the so-called paradigmatic transitions, and, among them, first and foremost, transitions from dictatorship to democracy.

Arthur (2009) traces the origins of the emergence of the field of TJ to the late 80s and the work of a considerably small number of activists and scholars, that focused on cases of transitions to democracy that had just occurred (such as Argentina, Uruguay, Spain, Greece, Portugal or Brazil), and presented, basically, “three areas of interest [...]: human

rights, law, and comparative political science” (Arthur, 2009, p. 333). Her analysis of this context and the activity carried out within it leads to her considering that, summing up:

The turn away from "naming and shaming" and toward accountability for past abuse among human rights activists was taken up at the international level, where the focus on political change as "transition to democracy" helped to legitimate those claims to justice that prioritized legal-institutional reforms and responses [...] over other claims to justice that were oriented toward social justice and redistribution (Arthur, 2009, pp. 321-322)

The form in which TJ came to be designed and exercised directly relates to an understanding of transitions under the light of democratization paradigm. The relevance of this can be stressed if we take upon the consideration displayed Catherine Turner in her deconstruction of TJ stating that “the emergence of the concept of transition, and consequently of transitional justice, represents a moment of performative force, a moment at which new boundaries are imposed on the meaning of political reform. Once this moment of performative force has occurred, the new concept comes to legitimise all subsequent meaning invested in the concept” (Turner, 2013, p. 200).

This alone should be taken as a pretty strong objection to the employment of TJ in cases of not-clear-cut democratization processes, as the nature of the concepts, categories and mechanisms could/would come as *sui generis*.

Even if the question of “whether a "transition to peace" really is different in kind than a transition to democracy” (Arthur, 2009, p. 360) can still be raised on this basis, the proper establishment of TJ in the early 2000s brought the inclusion of TJ for conflicted and post-conflict societies in terms complementary to these of democratization. The most relevant example of this may be the so-influential 2004 UN Secretary-General report which explicitly addresses ‘transitional justice in conflict and post-conflict societies’: “The challenges of post-conflict environments necessitate an approach that balances a variety of goals, including the pursuit of accountability, truth and reparation, the preservation of peace and the building of democracy and the rule of law” (UN. Secretary-General, 2004, § 25). Thus, aside from the possible theoretical objections to this general homogeneity, paradigmatic transitions seem quite firmly established on the liberal democratization paradigm.

The opening for the possibility of non-paradigmatic transitions as objects of TJ can come from different starting points. But a first basic and radical approach to embracing non-paradigmatic transitions comes from an objection to the liberal democratization paradigm. Such is Sharp's (2015) attempt. Taking a look at the history of TJ, he focuses on the inclusion of post-conflict peacebuilding within the realm of TJ that has resulted in the understanding of 'TJ as peacebuilding'. This provides broader scopes of goals than the mere liberal democracy-building, but, when looking at the empirical history of its application by the UN and other international agents, he considers that it might very well be a "distinction without a difference from what came before" (Sharp, 2015, p. 151). And, more worryingly, it could be a narrative that "may prove useful to autocratic regimes that would seek to use the tools and rhetoric of transitional justice to consolidate abusive regimes in the name of peace, just as victors have often done in the name of justice" (Sharp, 2015, p. 151). Sharp proposes that "thinking of the transition of transitional justice as a transition to positive peace where the perspectives of popular peace, the everyday and hybridity are paramount could be an important step in helping to emancipate the field from the bonds of the paradigmatic transition and serve to resist a simple elision of transitional justice and liberal international peacebuilding" (Sharp, 2015, p. 168).

This can be a suggestive take for the Basque take, because, even if it is not a case of such clear societal divisions as in Northern Ireland, the political and social component intrinsic to the 'ETA-years' may require consideration of 'positive peace' if reconciliation or, at least, coexistence are set as normative aims.

Anyway, we should still take a closer look to the specific type of transition that the 'post-ETA-years' TJ would entail. That is, a transition in a 'settled democracy' that it would seek to further substantiate its democracy through the employment of TJ. For this, it may be worth taking a look at Stephen Winter's take on it⁸. His starting point is breaking with the sociological approach to legitimation, in which (in Weberian fashion) "legitimacy is understood in terms of a population's state-supportive habits, opinions and beliefs" (Winter, 2014, p. 7). Winter, instead, considers the "term 'legitimate' and its variants refer to 'reasons that support political authority'" (Winter, 2014, p. 7). This way he presents "how transitional justice is characterized by its legitimating function" (Winter, 2013, p. 244) focusing on "how state redress repairs the damage that authorized wrongdoing

⁸ Also mentioned by Alvarez Berastegui (2015, p. 544).

inflicts upon political legitimacy” (Winter, 2014, p. 7). Legitimacy is not looked at as an enabler of political authority but as a contesting element of it for the cases of wrongdoing. In this exercise he identifies “four prominent discursive elements: ‘rational preference,’ ‘justice,’ ‘self-government’ and ‘civic recognition’.” (Winter, 2013, p. 235). These are the values of his ‘ecumenical account’ on TJ. It is the basis on which TJ in established democracies can be seen as coherent with other practices of TJ. Overall, Winter’s is a proposal that coming from a liberal (democratization) standpoint (in contrast with Sharp), argues against critiques of the applicability of TJ to cases of established democracies coming from, both, those claiming that such applications debunk the concept of TJ since they disregard the defining element that is the ‘transition’, and, from those defenders of TJ that, nonetheless, consider that “established democracies require more prolonged and substantive efforts than the time-limited models borrowed from paradigmatic cases” (Winter, 2013, p. 225). For him, “[b]oth lines of resistance agree that the established democracy ‘remains a site of non-transition’ where the democratic ‘idealized endpoint’ already exists” (Winter, 2013, p. 225), while actually, “[e]stablished democracies can and do undergo transitional processes in the form of radical change to their legitimating regimes” (Winter, 2013, p. 225).

Winter provides justified foundation for considering the application of TJ in established democracies for issues of transregime legitimation. ‘Enabling’ TJ application for cases of established democracies is central to a possible TJ approach to the ‘post-ETA-years’ case, but transposing Winter’s terms to it seems tricky at best. Winter’s theory is built around ‘authorized wrongdoing’ and it is basically applied to cases of ‘historic wrongdoing’ (mostly for settler states). The ETA-years-case has a non-State armed group as the actor that caused the most human rights violations and does not feature ‘historic wrongdoing’.

The last step to take into the nuances of the consideration of a transition in the ‘post-ETA-years’ case leads us to acknowledging that this TJ in a established democracy would be dealing with ‘recent conflict/abuse’, as Alvarez Berastegui (2017, p. 545) states. There is not much to say here as it is clear that it is (political) violence occurred in the recent past what is to be faced when addressing the ETA-years. But the issue of the ‘meta-conflict’ that arises here again as it may be considered that it is either a conflict what is being addressed (or issues contextualized on a broad conflict) or merely non-State violence unrelated to a conflict and sporadic State-abuses. So, still, TJ efforts in non-State or State violence or abuses, and/or the balance between them would still be in contention.

Lastly, having displayed the conditions and nuances of the non-paradigmatic transition that the post-ETA-years' case would entail, a critique of non-paradigmatic transitions coming from a deliberate 'reassertion of the value of paradigmatic transitions' may be briefly mentioned:

Humanitarian projects that deal with past violence in undemocratic states and consolidated democracies are of course to be welcomed, but considering these actions as 'transitional' justice serves only to muddy the debate. A necessary step is to distinguish between TJ on the one hand and the application of the mechanisms traditionally associated with it on the other. (McAuliffe, 2011, p. 40).

In a case (to certain extent) comparable to the Basque, as it is the Northern Irish, the issue is that "the macro-level contribution of this interaction will rarely determine the success of transition as it might in some weaker states, for the simple reason that the state already delivers human rights, democracy and rule of law [...], positive reform can successfully proceed independently of TJ and vice-versa" (McAuliffe, 2011, p. 39).

This directly speaks to the current consolidated democratic State that is Spain and to the fragmented nature of transitional initiatives in the Basque Country and Navarre where "each measure is negotiated in an independent manner in the absence of an overarching strategy for dealing with the past" (Alvarez Berastegui, 2017, p. 550). And, it should be considered along and in contrast with reflections on TJ such as De Greiff's stating that "the various transitional justice measures should be "externally coherent," that is, that they should be conceived of and implemented not as discrete and independent initiatives but rather as parts of an integrated policy" (De Greiff, 2012, p. 39) on the basis that 'individual' measures are weak when considering the huge challenge/s that transitions entail.

2.4. How Transitional Justice and meta-conflict will be understood and used in this work

The previous sections should provide an informative enough account on the ins and outs of TJ and (in relation) the meta-conflict in the post-ETA-years' case for any reader of the present work. But it also, lays the basis upon which to build the own comprehension of the issues that will be employed further in this work. This section makes such a

comprehension explicit setting it forth in section 2.4.1 and explaining its imprint on the further configuration of the research in section 2.4.2.

2.4.1. Assumptions and their justifications for the employment of TJ and meta-conflict in this work

- The ‘meta-conflict’ is a/the basic focus of interest of the research as a whole, as it is a basic realm upon which controversies when addressing the ETA-years are built.

There is not that much to say in order to justify this decision since sections 2.1 and 2.2 have pretty much proven the main point that sets the foundation for it: that the controversial nature of the topic of addressing the ETA-years has a basic underlying foundational basis in the form of a meta-conflict. Whether there was a conflict and what it was about are starting points to any approach to the ETA-years, and, consequently, to the measures to be taken regarding them. And, among these measures, it gets specifically clear when the option of TJ is brought to the table. This reasserts the link between both elements central to the present work. When acknowledging the meta-conflict’ is a/the basic focus of interest of the research, TJ comes as a context where it is featured and develops. Further insight on the meaning and articulation of this leads us to jump into the next assumption.

- A TJ framework is assumed as the interpretative framework on the sense of addressing the ETA-years. It is assumed as such on the grounds of the centrality of human rights violations when it comes to the task of addressing the ETA-years, and, on the comprehension that there are further normative aims regarding democracy that come as compatible with a TJ approach. In any case, all this is done on interpretative-instrumental terms, as the objective of the research is not to determine whether TJ is fit for the Basque case or to draw a TJ initiative/s for it.

The general or vague idea of TJ encapsulates what is at stakes in the post-ETA-years case: dealing with the past putting human rights abuses in the period at the centre stage, in order to accomplish justice both at the individual victim and societal levels, along with (maybe) some other normative goals. Beyond the immense relevance and value that human rights and addressing their violations have by themselves, their centrality also draws on a lesson

Whitfield exhibits from the Basque case: that “[a] normative approach to human rights, founded on the principle that there should be equal protection for equal violation, could help build trust” (Whitfield, 2014, p. 311). “In an environment in which all parties—from the victims’ organisations to Sortu—demand ‘truth’, even as their conceptions of what that ‘truth’ might be vary widely, a rigorous approach to human rights violations offers one possible way forward” (Whitfield, 2014, p. 312).

Taking a look at the most popular TJ-definition that puts it as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (UN. Secretary-General, 2004, § 8), it seems to match, but the question mark still remains over the ‘large-scale’ of abuses element. Other definitions of TJ refer to ‘widespread’ or ‘systematic’ violations of human rights. Here we will not make specific differentiations on the details of each. In this regard, the already mentioned UCDP and its inclusion of the Basque case as conflict between the years 1978–82, 1985–7 and 1991–2 due to the mortal victims’ toll points out again to the difficulties of such assumptions – because the whole period is not clear cut and because, on the other hand, mortal victims (even more in the later periods) mostly correspond to ETA’s action. Focusing on State wrongdoings, the most notable must be those of tortures and ill treatment. Without disregarding its severity during the ETA-years (and, overall, in Spain in general), but it has not got to the point of being considered a ‘systematic practice’ by the most relevant reports on the issue. As a relevant example, the 2004 report (after a visit to Spain) by the then Special Rapporteur on the question of torture, Theo van Boven, regarding the context related to ETA, “does not conclude that the treatment just described would constitute a regular practice but, in his view, their occurrence is more than sporadic and incidental” (UN, 2004, § 58). However, a more recent report commissioned by the Basque Government does read that “the authorities have systematically denied the existence of such practices, and together with the lack of investigation, this is a further indicator of an unwillingness to eradicate such practices or to protect officers from false allegations” (Etxeberria, Beristain and Pego, 2017, p. 386). So, again, grave human rights violations and attitudes towards them, but an argument could still be made against them truly being ‘systematic’, ‘widespread’ or ‘large-scale’.

This ‘on the fringe nature’ may, arguably, already make the ETA-years susceptible of a TJ approach. But still another factor is added to fully make the case for the consideration

of a transition in the Basque case: the exceptionality that the ETA-years constitute coming even from contrasting opinions. Any position favourable of some sort of TJ approach entails that view of exceptionality in itself. And that goes from the BPL and its strong stance on the ‘conflict paradigm’ to those more moderate and favourable of memorial pluralism that gives rise to a pseudo-TJ approach through programs oriented towards peace and coexistence. But, those on the opposite side, namely, those stressing a decidedly antagonistic ‘terrorism paradigm’ also regard their exceptionality. This is already visible in the connotative implications of ‘terrorism’ presented in section 2.2, but to put it in wider historical relevance terms it can be characterized as inline with this more nuanced quote: “when ETA announced its terrorist end, no peace came to the Basque Country: only the distorting force that had made it impossible for half a century ceased to exist” (Antonio Rivera quoted in Gago and Ríos, 2021, p. 23). Under this ‘paradoxically’ termed conception lays the view of a (not-conflict-related) historic change: of a transition⁹.

And, all in all, these views on the exceptionality of the ETA-years lead to expressions phrased in terms compatible with TJ efforts. Concepts of truth, memory, justice, recognition, reparation, or even guarantees of non-repetition can be seen across the board in victim’s or civil society associations as well as on political discourses on the issue. ‘Turning the page, but reading it first’ is a quite widespread notion, even if in some of those cases they are formulated bearing in mind certain victims and ‘forgetting’ or putting aside others.

There may be groups of people denying any exceptionality. Maybe the judges whose opinion has been presented in section 2.1 represent the case of a pure non-exceptionality and just ordinary law take on the case. However, the judiciary sector itself has also given arguments for that exceptionality due to certain ‘criminal justice of the enemy’ or victors’ justice practices. Regarding the first, Bengoetxea recalls a conference by Rafael Sainz de Rozas that defined it “by three traits: loose and vague definition of crimes of terrorism, excessive punitiveness with disproportionate penalties and downgraded legal guarantees” (Bengoetxea, 2013, p. 27). The mentioned usual lack of action on the positive obligations imposed by the prohibition of torture¹⁰, the problem of definition of crimes of terrorism

⁹ That would specifically link to TJ approaches such as Arteta’s (2015).

¹⁰ As laid on the basis of Art. 3 of the ECHR.

being pointed out by organizations such as Amnesty International¹¹ (2017, pp. 42-44), the so-called *Parot Doctrine* “retroactively imposing more restrictive punitive penitentiary measures regarding the length of the sentence served” (Bengotxea, 2020, p. 608) later censured by the ECtHR in the 2013 ‘Del Río Prada v. Spain’ case, or, “[c]hanges to the criminal procedures code [including] an extension of the period for which those charged on terrorist-related offences could be held in incommunicado detention from five to thirteen days” (Whitfield, 2014, p. 101) are some examples of such practices.

However, it still must be addressed how it all fits the case of being a non-paradigmatic transition in a established democracy. The main point to make in this regard is that a TJ approach is suitable for the post-ETA-years’ case because, aside from the already set basic point of seeking justice based on the severe human rights violations occurred during these years, the main issue here is about democracy and its legitimacy. Following Winter, authorized wrongdoing such as that of the case of tortures or State-endorsed terrorism (among others) requires redress in order to refund the authority’s legitimacy and address the corresponding institutional reforms. It even allows scrutiny of the ‘grey areas’ such as some mentioned when it comes to existing ‘exceptional justice’ But, in this case, also action by a non-State armed group such as ETA relates to the issue of democracy. As it will be more thoroughly presented in section 3.2.4, anti-terrorism was organized under the banner of ‘democracy’. In a way, current Spanish democracy is defined in antagonism to ETA’s terrorism, in the absence of a countermodel in Franco’s terrorism – as the attitude regarding this was one mainly of ‘amnesty and amnesia’. But even ETA and the RBPL casted themselves as fighters for democracy. Van den Broek (2017) explains the counter- and re-labelling that members of the RBPL carried out on imposed labels, including that of ‘radicals’ or ‘pro-terrorists’ against ‘democrats’ and democracy. The basis is that “[i]n the view of Basque radical Nationalists, the Nationalist aspirations of the Basque people—independence, territorial, unification—are being suppressed by the Spanish and French state and hence their *Euskal Herria* is deprived of the possibility to enjoy truly democratic structures” (Van den Broek, 2017, pp. 124-125). But even ETA. As a highly illustrative example, its 1995 proposal for the end of armed activity bore the name of *Democratic Alternative*. In actual terms this fight for democracy seemed to only

¹¹ Also including cases of collaboration and of provocation, glorification and apology for terrorism.

entail the right to self-determination of the (whole) Basque Country, but still, reinforces the centrality of the question around democracy.

In this way, TJ for the ETA-years matches well enough with the fundamentals of TJ mainly through, compatibility with Stephen Winters' proposal for TJ in established democracies. The issue is recasting democracy (certain institutions and actors – such as the BPL) and its legitimacy following the transition that the end of an exceptional period brings.

However, this 'democracy-basis' for coherence and relevance of the TJ frame is complemented with an element of including positive peace as a goal. The basic point here has already been made after presenting Sharp's proposal for non-paradigmatic transitions: focusing on positive peace is interesting as coexistence and/or reconciliation are desirable goals. There are social fractures that should be asserted. The nature of ETA's action and political stance, dependent on popular support and seeking to terrorize certain strategic segments of society almost links to this. For example, the so-called 'spiral of silence' deterring social opposition/denunciation against ETA and its support groups reflects on the social confrontation that has existed. The always revered 'democratic coexistence' thus requires addressing these issues in a way synonymous to that of building positive peace even if it will not be via socio-economic action or physical rearrangement. And it is something that comes as coherent to how "BAC but also Navarre, frame the past through the lens of peace-building and reconciliation" (Alvarez Berastegui, 2017, p. 549). It would be, as such, after ETA's disbandment, TJ in a post-conflict situation focusing on positive peace, rather than TJ for overcoming a conflict.

Even if it this is by and of itself a proper justification, it is true that it ultimately links with the question of the meta-conflict. For the shake of transparency, it will be said that the existence of a conflict in the Basque case (understanding this in vague terms) is ultimately acknowledged. Even if it was mostly of a really low intensity and predominant unilaterality, the existence of armed activity for over half a century throughout deeply changing contexts, with political motivation (that even if not in this form, relates to nationalist claims with some historical trajectory and specific relevant context in the Franco dictatorship), with deep damaging social effect and that has had too many times as correlate exceptional measures by the State (more expected in the dictatorship and obvious with examples such as the 1968 State of exception in Gipuzkoa, but also during the democratic regime getting even to State terrorism and common practices of torture)

all point out this way. It is not a consideration of conflict in the strict sense of international humanitarian law defined ‘armed conflict’, but it is certainly deeper than a mere (nationalist) political confrontation for some claims or a case of ordinary crime.

So, this is this work’s standpoint in relation to TJ. Still some interesting challenges could be made to it. Three of them, with their respective answers are featured in Annex section D.

2.4.2. How this translates into the design of the rest of the research

These theoretical frameworks impact on the rest of the work in two ways, each corresponding to a different level:

1. The categorizations and variables designed for the quantitative measurements (in section 3) are justified under the light of a focus on TJ and the meta-conflict.
2. Further qualitative takes on the quantitative results are constructed along the lines of a (generic, not-specifically determined) TJ project for the post-ETA-years case giving sense to specific cases and, mainly, giving some hints at a ‘holistic’ understanding of the post-ETA scenario focusing on human rights violations occurred then and the individual and social implications they bring to the table.

Regarding the first, this can be seen in both, the categorizations for coding of the message units, and, the variables designed for measurement. Regarding the categorizations, the first two, parliament (3.1.1) and political force (3.1.2), immediately link with the meta-conflict. The parliament can be linked with different approaches: “the Spanish path, which does not recognise an official peace process and focuses on a terrorism narrative, and the Basque path, which, like Northern Ireland harbours a number of conflicting narratives, but which promotes an official peace process” (Alvarez Berastegui, 2017, p. 549), ‘Political forces’ is the obvious one as they are behind these expressions and also present some independent to the institutions. The third one – thematic (3.1.3) – draws on TJ elements and topics. The second sub-categorization is explicitly based on the elements of TJ, but even the first one, the ‘context specific’ one (3.1.3.1), is indirectly influenced by them, both because TJ related/relatable terms are used on actual discussions addressing the ETA-years and because the overall approach of this work understands this addressing of the ETA-years as some sort of TJ exercise (both explained in 2.4.1).

When it comes to the variables, all in all, taken together they can, through a loose understanding and application of them, be linked to the three diachronic stages that TJ faces (as brought up by Bengoetxea (2013, p. 36)). Not in a non-permeable way, but: the first group of variables – on the notions and frames employed for addressing the issues of the ETA-years (3.2.1) – links with the past (what it was, which where the issues...); the next three (3.2.2+3.2.3+3.2.4) – on, respectively, framing the ‘consequences of the conflict’, the victory-defeat narratives, and, friend vs enemy constructions – relate more directly to the present; and, the last one – on the action-guiding principles (3.2.5) – addresses the future, as it features the normative aims when facing the ETA-years.

But, anyway, in relation to the designed variables, their most obvious and direct link is with the meta-conflict. As stated (in 2.4.1), this is a/the basic focus of the research, the object central to content analysis design. As such, it features in its most explicit form in 3.2.1.1, but the rest of variables can and should (at least in the frame of the present work) be seen in relation to it as well. All in all, encapsulating the meta-conflict as the conflict over whether there was a conflict and ‘how’ it was.

Moving on to the second level, the possibility of this kind of inferential and interpretative takes is based of course in all the a priori configuration set for the quantitative side of the analysis: both in the rationale of the research already set in sections 1 and 2, but also in the construction of categorizations and variables laid out in section 3 and linked to the theoretical grounds in the previous paragraphs. It is only this way that it can match and it is justified.

Having set the link between the rest of the analysis and this specific theorization, it must anyway be stressed that the quantitative results obtained in the present work could be employed without sharing the present framework or the further inferences and interpretations drawn. All the buildup of the categorizations, variables and questions pretends to be as transparent as possible in order to justify the interpretative approach of the present work, but also to allow people coming from other approaches to take them and engage with their rationale. It is a point worth noting since the overall topic is such a sensitive and controversial one that it is pretty safe to assume that many people coming to the present research will have some lesser or bigger problems with certain theoretical or conceptual decisions taken here.

3. CONCEPTUALIZATION: BUILDING THE CATEGORIZATIONS FOR THE CODING OF MESSAGE UNITS AND THE VARIABLES TO BE MEASURED

Both the categories applied for message units and the measured variables are constructed on the basis of existing literature which is then complemented by an emergent process of variable identification.

This section presents the specific theoretical grounding for such categorizations and variables as justification and as a ‘guide’ to their comprehension. The resulting/related categories’ *codebook* and variables *dictionary* are displayed in sections F and G in the Annex (*Tables 15 and 16*).

3.1. Categorizations for coding of message units

3.1.1. Parliament

The first categorization comes as obvious. The message units have been taken first from the records of the Spanish Congress of Deputies, the Basque Parliament and the Parliament of Navarre, so the categories for parliament will be:

- Spanish Congress of Deputies
- Basque Parliament
- Parliament of Navarre

The links to their respective related governments and territories/populations links the category with considerations of the already mentioned contrasts in post-ETA-years policymaking approaches of BAC and Navarre with Spain, and, to existing public opinion differences. For instance:

A poll conducted in early February [2012] found that 72 per cent of Basques supported the reinsertion of prisoners who renounced violence and 69 percent favoured moving them to the Basque Country. These figures were in stark contrast to a Spain-wide poll conducted in November 2011, which had revealed the deep level of hostility towards any concessions. [...] 60 per cent of participants were against the moving of Basque prisoners closer to the Basque Country, and 66 per

cent against their being allowed benefits equal to those available to other prisoners. (Whitfield, 2014, pp. 269-270)

3.1.2. Political force

Parliamentary interventions are carried out in the basis of the parliamentary groups. “[T]he Groups are the authentic collective subject of the contemporary Parliament” (Ripollés Serrano in Álvarez Velez, 2016, p. 207). The message units collected for the analysis correspond, in this way, directly to a parliamentary group, not to any other type of entity.

Nevertheless, these are ultimately conformed on the basis of political parties: “parliamentary groups are the parliamentary transcript of the political parties and formations in each chamber” (Ripollés Serrano in Álvarez Velez, 2016, p. 207). They are central in the Spanish constitutional order, as they are considered “the expression of political pluralism; they contribute to the formation and expression of the will of the people and are a fundamental instrument for political participation” (Art.6, SC, of 1978). It makes more sense to directly refer to them as they are where the parliamentary-political discourse originates¹², and as it allows to draw links to political ideologies/positions and, in some cases, even to historical considerations.

There is a long list of political parties/coalitions that have participated in parliamentary talks on the issue of addressing the ETA-years during the four years after ETA’s dissolution¹³. This multiplicity of parties/coalitions could require (at least for readers not familiar with Spanish-Basque-Navarrese politics) an overview on the political landscape of the three parliaments and their related governments in order to truly get a grip of the ‘political forces’ scenario and get to understand the justification for the categorizations selected here. Such more comprehensive overview is displayed in Annex section E.

Here, we will move right away to the two ‘political force’ categorizations employed in the research: political space, and, main parties/coalitions-groupings.

¹² Specially, considering the cases of the ‘mixed group’ in the CoD.

¹³ See *Table 13*.

The latter includes the main 7 parties, coalitions or groupings of parties/coalitions (along with a category just built to code the ‘others’) in the Spanish-Basque-Navarrese context¹⁴:

1. PSOE
2. PP+UPN+C’s
3. Unidas Podemos (adding I-E)
4. Vox
5. EAJ-PNV
6. EH Bildu
7. Geroa Bai

The groupings among the categories are based on the compositions of the parties/coalitions and their alliances/coalitions.

‘Political space’ refers to a wider synthesis of political ideologies/positions. It is based on the 4-space-scheme built on the basis of the axis of Basque nationalism and left-right that predominately shapes Basque politics: Basque-nationalist left, Basque-nationalist right, Non-(Basque-)nationalist left, and, Non-(Basque-)nationalist right. Along with these the category of ‘Catalan nationalists’ has been added, as they have participated in parliamentary talks in the CoD, but, unlike regionalist but not nationalist parties of other regions that also are included in the sample, they do not seem assimilable by the 4 spaces – specially when the context refers to the ETA-years. *Table 3* presents how the specific parties/coalitions are integrated in this 5-spaces-scheme.

Table 3: Political parties/coalitions inclusion in ‘political force-political space’ categorization summary

Basque-nationalist left EH Bildu Geroa Bai	Basque-nationalist right EAJ-PNV
Non-(Basque-)nationalist left PSOE PSE-EE PSN-PSOE Unidas Podemos/Elkarrekin Podemos Podemos I-E Compromís	Non-(Basque-)nationalist right PP Vox UPN C’s NA+ PP+C’s Foro Asturias
Catalan nationalists ERC PDeCAT CUP	

¹⁴ 96% of the message units in the sample corresponds to some of them (see *Figure 39*).

3.1.3. Thematic

Because, overall, this work comes to the issue from a generic TJ, theoretical basis, it seems appropriate to establish a thematic categorization on the basis of TJ categories. However, as the whole point of facing the ETA-years is inherently contentious, we may already *a priori* notice that a context-specific (considering as context both the ETA-years issue overall, and the more concrete parliamentary context as it addresses it) approach to determining thematic categories may suit the issue better. Both will be designed and employed (after inter-coder reliability tests).

3.1.3.1. 'Context-specific' categorization

1) Victims

Victims are on the centre of addressing the ETA-years. And (thus) it is a recurrent topic in parliamentary debates. But, addressing the issue of victims from the ETA-years is facing a case of claims for recognition of victimhood and contested victimhood. The relevance of this makes it necessary to include the 'victims' topic as a single category in a first 'context-specific' thematic categorization but also build a second, subordinated, 'context-specific' thematic categorization with the only difference of specifically categorizing the next approaches to victims:

1. Victims of human rights violations (in general)
2. Victims of ETA (victims of terrorism)
3. 'Other victims'

The first, is a take on victims set in terms equivalent to those of this work's framework. It is, logically, also one that can be seen in the (partial) TJ exercises in BAC or Navarre. It is based on considering victims on the basis of violations of human rights, irrespective of or, at least, leaving at a second place who/which the victimizer was.

Moving on, victims of ETA can be considered the victim *par excellence* in Spain, being covered under the framework set by the (Law/Ley) 29/2011, of 22 September, and the

RD 671/2013, of 6 September¹⁵. This responds to the logic that “[t]he exceptional legal model of confronting the potential enemies of democracy and accompanying its prototypical victims is not, as in Europe, inspired by the Nazi holocaust – or its equivalent categories of crimes against humanity and war crimes –rather on the ETA terrorism” (Jon-Mirena Landa quoted in Alonso Guevara, 2021, p. 63). Still, it may be mentioned how this took considerable time to ‘brew’. “With a particular affinity for victims of terrorism shaped by his narrow escape in 1995, Aznar’s policies towards them rested on the obligation to respond to their material needs, but also on a determination to provide them with the social and political support that had until then had been lacking” (Whitfield, 2014, pp. 83-84). 1999 saw the Law of Solidarity with Victims on Terrorism (Ley 32/1999, of 8 October) be passed. In the Basque Country, “There was no dedicated office to provide attention to victims within the Basque government until 2002. And Basque society paid little attention to victims on an individual basis until ETA deliberately shifted its targets from relatively anonymous Spanish policemen to politicians, academics, journalists and others” (Whitfield, 2014, p. 84). Also, “it was only in 2007 that the Basque government finally celebrated a day in recognition of victims. The proceedings included a formal apology by Ibarretxe¹⁶ to victims for their past neglect” (Whitfield, 2014, p. 110). However, all this strengthening of victims’ centrality led to “some organisations adopted positions and pursued activities that transformed ‘victims of ETA’ into a vocal anti-terrorist lobby and political force in its own right, prefiguring a complex and sometimes controversial role in the years ahead” (Whitfield, 2014, p. 85).

The third category, ‘other victims’ refers to addressing victims specifically in contrast to the centrality of victims of ETA: that is, claiming recognition (and subsequent redress) for victims of the ETA-years that are not victims of ETA. It is the other side of the coin to the previous because: “This regulatory package leaves out of consideration as victims, and therefore denies the rights to truth, justice and reparation, those who have suffered torture at the hands of state security forces and those who were the target of violence by other armed groups that acted within the framework of the conflict, such as the Anti-Terrorist Liberation Groups (GAL) and other extreme right-wing groups.” (Alonso Guevara, 2021, p. 59). The case of the GAL is, again, a relevant one. The famous case of Lasa and Zabala ended up (for most of the defendants) in convictions on the charges of

¹⁵ Not dismissing the complaints of some such victims to be better treated as they see their right to truth vulnerated or their victimhood illegitimately appropriated by certain political discourses.

¹⁶ The then president of the Basque Government.

murder (with the aggravating factor of taking advantage of the public) and illegal detention, but not on the other two presented: injuries and torture, and, membership of an armed gang or crimes of terrorism (SAN 21/2000 of 26 April). This case relates to a part of contested victimhood in the case of the ETA-years as it established a case-law precedent on the basis of which such victims would not be subject to reparations under the ‘victims of terrorism framework’. And, it is also relatable to other cases where another part of contested victimhood is in play, as families are also denied some compensation as victims of terrorism on the basis of the belonging of the victim to a terrorist organization. Some have made it to the ECtHR. In ‘Larrañaga Arando v. Spain and 3 other applications’ (2019) and, ‘Martínez Aguirre and Otegi Martínez v. Spain, and, Ibarguren Astigarraga v. Spain’ (2019) the claimants based the case on article 6 § 2 of the ECHR on presumption of innocence, as there was not compensation as victims of terrorism under (Law/)Ley 29/2011, of 22 September¹⁷, were denied further compensation under the new regulation) because these victims were considered terrorists (members of ETA) even if there had not been any judgement on the issue. The applications were declared inadmissible for being incompatible with the provisions of the Convention: simplifying and setting aside some specific differences among applications, the main point was that art. 6 § 2 did not apply for the cases due to the absence of any link between criminal charges brought forward in Spain, in relation to membership of ETA, against the applicants’ relatives and the administrative and (latter) Court decision of not granting further economic compensation for their deaths. In any case, it still brings to attention the contested victimhood issue of how victims being considered as victimizers are denied compensation under recent laws on victims of terrorism¹⁸.

2) Prisoners and prison policy

Prisoners have always had a strong symbolic role for ETA and for the RBPL. Pro-amnesty movements specifically have been historically crucial in the RBPL social base. Amnesty today (most clearly after the unilateral dissolution process) is not a real option (as it was in 1977 in the context of the wider post-Franco arrangements). The issue of prisoners

¹⁷ Most were already compensated under Ley 32/1999, of 8 October.

¹⁸ Something recently reasserted by the Spanish President of the Government, Pedro Sánchez (*Europa Press*, 2022b).

today is mainly built around the practices of dispersion and distancing of prisoners, and, prisoner relocations going against those.

The strategy of dispersion was introduced in 1989 by the Spanish government¹⁹ as it “sought to disrupt ETA’s control over its prisoners through its lawyers and entities such as Gestoras pro Amnistia” (Whitfield, 2014, p. 73). With the end of ETA, this kind of policy seems out of place. Relocations following the principle of individualization (instead of collective solutions historically promoted by ETA and the RBPL) is completely within Spanish penal and prison legal framework, even seeming more coherent with provisions for prioritizing reinsertion and social uprooting under Art. 25.2 of the Spanish Constitution (SC, of 1978) or Art. 12 of the General Penitentiary law (Art. 12, LO 1/1979, of 26 September). Even if it has not been found illegal (as many Spanish court cases suggest together with the ECtHR ‘Fraile Iturralde v. Spain’ (2019) case²⁰) this collective treatment of certain kind of prisoners still seems somewhat exceptional and raises questions over ‘penal law of the enemy’. Organizations, such as Amnesty International have expressed concerns over the affection of such policies on prisoner’s family and social links, and even on the presumption of innocence and right to defense in the cases of detainees awaiting trial, as well as the impact on families of the prisoners (Amnesty International, 2017, p. 46). *Etixerat*, an association of ‘families and friends of prisoners and fugitives’, in 2015 reported on these costs for the families (social, physical and psychical) and further difficulties (Etixerat, 2015), also counting in 16 the mortal victims on traffic accidents in the way to visiting a prisoner (Etixerat, 2015, p. 1).

Yet, relocations of ETA prisoners to prisons closer to their homes has remained a deeply controversial issue, as they have been exercised in the last years. Opposition to the government on this issue has been notable. See as a representative example the recent online publication by the AVT by the title: “The government can now boast: only 50 ETA prisoners remain outside the Basque Country and Navarre” (AVT, 2022). And, of course, certain parliamentary interventions – such as in (Parliament. CoD, 2020a) or (Parliament. CoD, 2021a). But, continuing with and furthering those relocations is also still a demand

¹⁹ Although relocations have happened in specific moments since then, and under different governments.

²⁰ In relation to the claims of violation of art. 8 on the right to family life, the Court found an interference with it (§ 20) that was nonetheless justified under Art. 8 § 2, as it was considered all: ‘in accordance with the law’ (§§ 21-25), pursued a legitimate aim (§§ 26-27), and, not disproportionate (§§ 28-32). All in all, the complaint was found as “manifestly ill-founded” (§ 33) and the application was deemed inadmissible (‘Fraile Iturralde v. Spain’, 2019).

that appears in parliamentary sessions as well (as in (Parliament. PoN, 2018a) or (Parliament. PoN, 2018b)).

Besides this central topic, there are three other specific interesting issues to comment. One, also related to prisoners is that of the degree. It was article art 102.5. section c) of the Penitentiary Regulations that in most ETA cases prescribed first degree considering the factor of “Belonging to armed organisations or armed gangs, as long as they do not show, in either case, unequivocal signs of having escaped from the internal discipline of such organisations or gangs” (Art. 102.5 § c, RD 190/1996, of 9 February). “Once ETA has been dissolved and has disappeared, the application of this precept becomes impossible in these cases.” (Xabier Etxebarria in Landa Gorostiza (ed.) and Garro Carrera (coord.), 2019, p. 108). In this context a considerable amount of ETA prisoners have progressed in their degree. But this, again, has also been questioned by some sectors – getting to parliamentary sessions mainly in the context of penitentiary politics in relation to ETA prisoners (such as in (Parliament. CoD, 2022a)).

Another issue is that of penitentiary competences being transferred to the BAC administration within the framework of the Statute of Autonomy of the Basque Country of 1979 (LO 3/1979, of 18 December). An issue in regional competences that had been frozen with relation to the ETA-years, that has also brought up conflicting opinions – as seen in parliamentary sessions sections such as

The last one is related to deaths in prison of ETA prisoners – such as that of Igor González Sola, brought up in parliamentary session in (Parliament. CoD, 2020b).

3) Tributes to prisoners/ETA-members and glorification of terrorism

This constitutes a distinct category because, in many ways it constitutes a problematically categorizable middle ground between the first two.

It strongly relates to victims, as, in the frame of victims of terrorism, it relates to issues of protection of victims. Glorification of terrorism is punishable under article 578 of the Spanish Criminal Code that states in its first section that: "Public glorification or justification of the crimes covered in articles 572 to 577²¹ or of those who have

²¹ Crimes of terrorist groups and terrorism.

participated in their execution, or the carrying out of acts that discredit, belittle or humiliate the victims of terrorist crimes or their families²² [...]” (Art. 578.1, LO 10/1995, of 23 November). Furthermore, the frame of hate crime “is progressively being accepted by the courts to justify the criminalisation of the offence of glorification of terrorism and its perpetrators” (Bernal del Castillo, 2016, p. 19). So, of course, the focus here, in its relation to the issues of victims, is the revictimization that can derive from such acts.

In the case of prisoners, it is obvious that it directly relates when the tribute is for one of them.

Such a middle-ground is, arguably, nowhere better exposed than in the currently/recently prevalent case of the *ongi etorri*²³-s. These are public and festive tribute-like welcomes of released ETA prisoners. After some years of controversies on the issue, and having made contacts with the Social Forum – that was pushing for the end of these welcomes on the basis of harm created to victims and its deterrent effect towards coexistence/reconciliation (Aizpeolea and López-Fonseca, 2021); the EPPK in a communiqué on 29 November 2021 said “that from now on we want to receive receptions among our close people and in a private and discreet manner” (EPPK, 2021) arguing that “This decision constitutes an individual and collective contribution of the Basque political prisoners to coexistence, peace and recognition not only of ours and our families’, but also of the suffering of others” (EPPK, 2021). However, there have still been some cases of *ongi etorri*-s since then coming from prisoners and organizers not aligned with the EPPK. An example: the *ongi etorri* celebrated on March 2022 in Berango – seemingly organized by ATA – the controversy of which made it to the Basque Parliament (Parliament. BP, 2022d).

Anyway, these cases are clearly set in that middle-ground, as the main issue in the TJ-related terms employed in this work refers to victims and their revictimization, but it is a prisoner that is the center of these kind of acts. Furthermore, in these events, as well as any other tribute to ETA members or glorification of terrorism there is an element of memory that plays to it: how we/they are remembering/considering those subjects and ETA itself.

²² Own underlining.

²³ Literally, *welcome* in Basque.

This ‘combined’ nature not easily assimilable by any other single category of the categorization makes it *a priori*, theoretically, convenient to establish a distinct category for it. But the inductive approach makes it even more clear, as it is a topic that serves as the thematical frame for a considerable amount of parliamentary session sections. (Parliament. CoD, 2021e), (Parliament. PoN, 2021b) or (Parliament. BP, 2019) are just a few examples to mention.

In any case, when the reference to this kind of acts comes strictly and exclusively under an approach of protection of victims of terrorism then it will be categorized under ‘victims’ category.

4) Truth (in terms of), memory and the ‘narrative’

As Whitfield puts it, the Basque case gives form to “an environment in which all parties—from the victims’ organisations to Sortu—demand ‘truth’, even as their conceptions of what that ‘truth’ might be vary widely” (Whitfield, 2014, p. 312). This issue of contrasting conceptions of truth grows even deeper as it is mediated by wider conceptions on memory and ‘narratives’ that make sense out of the past. And this wider view constitutes the thematic core of this category, as the specific truths such as the ones used for exemplification of the centrality of truth-seeking in the Basque case relate directly to victims and their rights (starting with their right to truth).

The widespread notion of the ‘fight for the narrative’ (‘la lucha por el relato’) in relation to how memory is played in the political sphere deepens this consideration. Jonan Fernández, current secretary general of Human Rights, Coexistence and Cooperation of the Basque Government talked about three existing approaches to memory: memorial syncretism, memorial antagonism, and, memorial pluralism (Fernández in Landa Gorostiza (ed.) and Garro Carrera (coord.), 2019, pp. 22-25). Even if it seems termed in words that prompt a positive view of the last (his own) option, it gives a good summarizing account on the issues of conflictive and integrative parts of this issue.

Within this topic, there is a specific relevant current issue in the parliamentary debates included that may need a brief mention of his own: the Spanish Official Secrets Act (Ley 9/1968, of 5 April) and the possibility of modifying it (main topic in (Parliament. PoN, 2021c) and (Parliament. PoN, 2021d)). Coming from 1968 and reformed in 1978, it

regulates ‘classified materials’ that “could harm or put at risk the security and defence of the State” (Art. 2, Ley 9/1968, of 5 April). In what comes to the ETA-years, it keeps information on gross human rights violations – mainly in cases involving State responsibility – secret indefinitely. As of early August 2022, some information on the Spanish Government’s plan to substitute this law has been brought to public attention, already generating substantial controversies.

5) Education

The title is self-explanatory: anything to do with education and educative plans. They basically can come in two forms: education on the ETA-years and a wider education in human rights that still relates to the ETA-years. And can refer to ordinary mandatory formal education or other more specific formal educative programs (maybe sometimes termed as ‘formations’ in whatever subject).

6) General coexistence plans or programs

The “lens of peace-building and reconciliation” (Alvarez Berastegui, 2017, p. 549). applied in the BAC and Navarre, has acquired a specific (less demanding) ‘coexistence plans’²⁴ from both Basque and Navarrese governments. Their last editions are the ones for the period 2021-2024: (Basque Government, 2021) and (Government of Navarre, 2021).

There are some parliamentary session sections treating the Navarrese plan (as in (Parliament. PoN, 2021e) and (Parliament. PoN, 2022)). But, wider considerations on ‘coexistence’ have also been present in parliamentary sessions (such as in (Parliament. PoN, 2020b)).

7) Overarching policy making questions and political configurations in relation to the ETA-years

²⁴ That come alongside explicit references memory, human rights, and diversity.

Finally, there are some other issues that do not fit in specific issues, but rather refer to the general political and arrangements context in which addressing the ETA-years is carried out. For instance, the role of EH Bildu as political successor of the (R)BPL in political pacts or acts directly related to addressing the ETA-years is sometimes brought into question ((Parliament. PoN, 2021f); or, (Parliament. BP, 2021b)). But also governmental attitudes towards the ETA-years and facing them ((Parliament. CoD, 2018a) or (Parliament. CoD, 2021b)).

3.1.3.2. Transitional Justice categorization

The ‘TJ thematization’ will employ the four consolidated ‘elements’ of TJ: “truth, [criminal] justice, reparations and guarantees of non-recurrence/institutional reform” (EU, 2015, p. 5). In this section each of them is dissected on the basis of EU and UN frameworks on the issue that is complemented by some pertinent literature on TJ (general, but more relevantly, ‘post-ETA case related’).

1) Justice: criminal prosecutions

This first element of TJ refers basically to “[p]rosecution initiatives [that] aim to ensure that those responsible for committing crimes, including serious violations of international humanitarian law and gross violations of international human rights law, are tried in accordance with international standards of fair trial and, where appropriate, punished” (UN, 2010, p. 7). “Beyond de jure impunity (where laws are inadequate, either because they do not criminalise conduct that should be criminalised, or because they shield perpetrators from prosecution), de facto impunity can also arise because of the challenging situations pertaining in post-conflict or post-authoritarian societies” (EU, 2015, p. 5). The goal is thus to address by the convenient means, as the toolset for this element includes “legislative action, law enforcement and judicial reform and capacity building, and should involve close cooperation with victims and civil society” (EU, 2015, p. 5).

In the case of the ETA-years, it can be related to the multiple crimes that are unsolved or not-prosecuted. However, it does not seem that likely that this category will in any case

be predominant, as the issues related to unsolved crimes seem to be mostly framed as issues related to truth-seeking or even victims' reparations under the right to truth.

2) Truth-seeking

The second element, truth-seeking, has a solid foundation on the right to truth, considering as well, however, that "[b]eyond the importance for individuals to know the truth, it is also imperative for society as a whole to learn the truth regarding violations, including the identity of the perpetrators and the causes, facts and circumstances in which such violations took place" (EU, 2015, p. 6).

On the basis of what has been developed in section 3.1.3.1, the category of 'truth-seeking' could come with issues of clarification of unsolved cases and, related to this, questions surrounding the 'Law on official secrets' (Ley 9/1968, of 5 April) and confidential information.

It has to be noted, that in the case that, when elements of truth-seeking are presented in the sessions as correlates of reparations for victims, those parliamentary sessions will be categorized under the next category: 'reparations'.

3) Reparations

Reparations "seek to redress systemic violations of human rights by providing a range of material and symbolic benefits to victims. Reparations can include monetary compensation, medical and psychological services, health care, educational support, return of property or compensation for loss thereof, but also official public apologies, building museums and memorials, and establishing days of commemoration" (UN, 2010, p. 8).

There is not much to add to this in order to concretize it for the 'ETA-years' case. Only the reference to domestic law, including the frames of 'protection of victims of terrorism', which leads to include in this category issues of tributes to prisoners or ETA-members and glorification of terrorism. But, also, by analogy, similar issues in the cases of other types of victims (Parliament. BP, 2022a).

4) Institutional reform/guarantees of non-recurrence

The fourth element of TJ that overall can be designated as guarantees of non-recurrence has institutional reform as a basic element: "Public institutions that helped perpetuate conflict or repressive rule must be transformed into institutions that sustain peace, protect human rights, and foster a culture of respect for the rule of law" (UN, 2010, p. 9). However, "[b]eyond institutional reform, the guarantees of non-recurrence require further measures such as SSR, DDR, educational and constitutional/legislative reform" (EU, 2015, p. 7).

Presumably, considering what has been noted for the 'context-specific' categorizations, the guarantees of non-recurrence in the post-ETA case will centre around the non-institutional reform measures. Specifically, in the way of educational programs (see 3.1.3.1) and a *sui generis* DDR measure of reintegration as relocation in the way already contemplated under ordinary law. However, institutional reform to certain extent should not be discarded (as, for instance, ECtHR sentences cases related to lack of torture and incommunicado detention may suggest).

5) Overarching general policies or political configuration

The previous points referred to the specific elements of TJ. They will thus be applied to specific policies addressing issues related to each. This category, on the other hand, refers to those section that relate to wide arrangements (either policies or mere political game) instead of specific aspects categorized under TJ. When such an overarching consideration is presented in the context of/with some specific element, then the other categories, referring to the specific elements of TJ will apply.

3.2. Variables to be measured

3.2.1. Notions and frames employed for addressing the issues of ‘the ETA years’

3.2.1.1. Meta-conflict: ‘conflict’ vs ‘terrorism’ paradigms

This question has been addressed extensively enough in section 2.2. What is explained there fully makes up the theoretical justification to pursue the measurement of this issue. But there is still the need to point out to the specifics of variable configuration.

At the most general level we can measure the direct explicit mentions to conflict or terrorism. As it has been addressed in section 2.2, the ‘meta-conflict’ in the Basque case centers around this either conflict or terrorism narrative dichotomy. In addition to the theoretical justification, it has to be mentioned that such a measurement has already been used in reliable research – in OIET (2015) specifically.

3.2.1.2. Specific frames and issues

3.2.1.2.1. Crimes under ICL

Quite recently some concepts or typifications from ICL have been used in conversation regarding the ETA-years.

The most talked about has been ‘**crimes against humanity**’. It has been brought context of some propositions for considering ETA’s crimes as ‘crimes against humanity’ in order to facilitate the prosecution and clarification of ETA crimes under criminal law in cases where difficulties are found under domestic law. It has been the (self-proclaimed) ‘pro-victims’ association ‘Dignidad y Justicia’ (‘Justice and Dignity’) specifically which has brought this consideration forward. The president of this association, Daniel Portero de la Torre, presented the petition that led to a fact-finding visit to Spain in November 2021 by a European Parliament Committee of Petitions’ mission “in relation to 379 still unsolved murders committed by the terrorist group ETA” (European Parliament, 2022).

The report gives a summary account of the meetings held during the fact-finding visit and within it features several opinions arguing for a consideration of ETA crimes as ‘crimes against humanity’. It is reported, for instance, how Maite Pagazaurtundúa expressed that “[i]t has been shown that ETA terrorism is not conventional terrorism, but fits perfectly

with the characteristics of crimes against humanity. The attacks are the tip of the iceberg in a strategy to control the Basque population, using thousands of people to make the whole of Basque society live in fear.” (European Parliament, 2022, p. 31). Miguel Ángel Rodríguez Arias, the lawyer of ‘Dignidad y Justicia’ who is behind this new ‘strategy’ to approach unsolved ETA crimes (*Europa Press*, 2022a), gave some details on the legal conceptual approach to this:

The fact of forcing a part of the population to leave their homes speaks of the existence of an international criminal offence, either a crime against humanity or a kind of genocide, according to the petitioner. In other cases, the ECtHR has considered that if there was only expulsion of a population, it would be a crime against humanity, but if there were expulsion and also killings to force expulsion, it would be considered genocide (*Georgi v. Germany* 2016).

The ETA attacks, 379 unsolved murders and the expulsion of some 200 000 people in a territory of 2.5 million people cannot be disassociated (European Parliament, 2022, pp. 6-7)

In the end, the report even includes a recommendation for action at the national level in relation to prosecution of ETA leaders “for the possible commission of a crime against humanity under Article 607 of the Criminal Code” (European Parliament, 2022, p. 37).

So, in what comes to the crime of **genocide** we see how it is mentioned as well, but usually together with that of ‘crimes against humanity’ and, overall, to a lesser extent: the recommendation mentions crimes against humanity, and, in the cases made for ETA having committed crimes under ICL, genocide only appears sometimes and always as an addition to crimes against humanity.

All in all, recent case law basis for claims on the basis of ICL draw on how “[i]n the order of 9 July 2015 and the indictment of 27 October 2015 [...] the Magistrate concluded that it was possible to sustain a finding of the existence of a crime against humanity under the Spanish Criminal Code” (European Parliament, 2021, p. 23), but, that same order, discarded the genocide claims²⁵.

²⁵ See (Amnesty International, 2017, p. 23) for a summary of efforts to prosecute ETA crimes as crimes against humanity in the Spanish Hight Court, as well as in Argentina.

In an informative and potentially interpretative fashion, it must be mentioned how, beyond considerations on the actual ‘merits’ of these arguments (which is greatly beyond the scope of this research), the cases for understanding ETA crimes/unresolved ETA as crimes against humanity and/or genocide (especially in the cases where the argumentation is built around considering the ‘1977 Amnesty Law’ as inapplicable or overcoming Spanish jurisprudence against retroactively applying the ‘crimes against humanity’ type in Spanish domestic criminal law²⁶ via international law) intertwine with considerations on possible Post-Transition TJ procedures, specially at the level of criminal prosecutions, in relation to human rights violations committed during the Spanish Civil War and the subsequent ‘francoist’ dictatorship. Highly relevant UN human rights bodies and figures have consistently argued in what can be considered as some analogous terms to those now employed for the case of ETA crimes but in relation to Civil War and dictatorship issues²⁷.

This goes on to point out the added complexity of ‘facing the ETA years’ that the (temporal and conceptual) interplay with the ‘francoist’ dictatorship and Post-Transitional TJ facing it brings with it. A complexity already theoretical, but set in the terms and intensity level that it presents due to the opposing political approaches of their initiators: while the consideration of ETA crimes as crimes against humanity and/or genocide mainly comes from the (pro-)Spanish right, post-Transitional TJ initiatives in Spain (at least the ones presented nowadays) are presented and supported by the Spanish left and regionalist/nationalist parties²⁸ and met reluctantly or even opposed by the (pro-)Spanish right²⁹.

3.2.1.2.2. Human Rights (violations)

Human rights violations are of course central to the whole work. They constitute the motivation behind addressing the topic and are central to any consideration on TJ. This variable will look at specific mentions to ‘human rights’ or ‘fundamental rights’ in the analysed talks.

²⁶ Under Criminal Code Art. 607 bis (LO 10/1995, of 23 November).

²⁷ See, for instance, (Human Rights Council, 2014, §§ 67-75), on impediments to victims’ access to justice.

²⁸ With the exception of clearly right-wing pro-Spanish regionalist like UPN or Foro Asturias.

²⁹ See the most recent example in (EFE, 2022b) regarding the approval of the ‘Law on Democratic Memory’.

Of course, references to human rights violations do not have to be explicitly phrased as ‘human rights violations’. For example, references to crimes under ordinary (law) terms could link with human rights violations: talking about a murder most surely implies a violation of the right to live of the killed individual. Such mentions will not be included here. It would make it too complex to construct a sufficiently straight forward quantitative measurement, and, in addition, the reference to the wider legal international frame that human rights entails is a point of interest in itself.

3.2.2. Framing the ‘consequences of the conflict’: victims and prisoners

The justification of focusing on victims and prisoners has already been addressed in section 3.1.3. It is just necessary to add that the construction of variables derived from these topics and why they are grouped as the ‘consequences of the conflict’.

Grouping them together, victims and prisoners, as ‘consequences of the conflict’ responds to an aim of further synthetization of two elements of compatible nature for this conceptualization under a common denomination coming from expressions from international actors somehow related to conflict-resolution that had some role during the last years of ETA’s existence. The famous 17 October 2011 ‘Aiete Declaration’ called for dialogue between ETA and the governments of Spain and France (after the definitive cessation of armed activity by the first) in order to “address exclusively the consequences of the conflict” (*Aiete Declaration*, 2011).

It is however a term also employed by the BPL and even ETA seen as encompassing “victims, political prisoners, expatriates, military occupation...” (Soto, 2018, p. 63). But, the use of the expression by ETA already sets a grounding difference with the use here. The exclusive use of ‘consequences of the conflict’ in reference on only to prisoners and victims sets apart the undoubtedly political element to focus on the technical basis needed to work towards the TJ focus of interest to this work.

Anyway, the employment of the term ‘consequences of the conflict’ here is due to the need of a common denomination for the grouping of these ongoing issues as it is the present the focus on interest on them: basically, to be now redressed in the case of victims, and, serve justice and/or process towards reintegration but as part of currently set and applicable laws and its phases for prisoners. No further connotation is sought, other than

that set by the own theoretical grounding laid out in section 2.4. So, it could considerably be detached of such denomination if seen as convenient (if the content determining the nature remains).

All in all, it is an issue that also interrelates with questions of friend vs enemy and victory-defeat narratives and comprehensions that will be covered later on. As well as, with it, to the already mentioned ‘criminal justice of the enemy’ or victors’ justice issues, because how the predominantly ‘present issues’ in the post-ETA-years comes on and has an impact on how it is seen what we are combating and what is the current state of affairs regarding ETA and the ETA-years.

3.2.2.1. Prisoners

The International Observatory for Terrorism Studies (OIET) published a report in 2015 studying “the interpretative frames disseminated by the Patriotic Left” (OIET, 2015), focusing specifically on “all official communications in which Euskal Herria Bildu and Sortu, from April 2014 to April 2015, made reference to ETA prisoners” (OIET, 2015, p. 4). Regarding the references to the prisoners, five ‘frames’ are presented in total along the report:

- Prisoners
- Basque prisoners
- Political prisoners
- Basque political prisoners
- ETA prisoners

This already sets a quite wide range of conceptualizations of the ‘prisoners serving jail sentences in relation to ETA’, but some more variables can still be added.

Coming from the recurrent explicitation of the ‘terrorist’ paradigm by some actors, and from the actual legal frame on terrorism based on which these people are sentenced, ‘terrorist prisoners’ and its variants may as well be added.

Upon the inductive process complement of checking for other possible forms used in-text the next denominations referring to ‘prisoners serving jail sentences in relation to ETA’ are also added to the dictionary:

- Presos de la banda

- Presos de la banda terrorista
- Presos de la organización
- Presos de la organización terrorista

3.2.2.2. Victims

The references to victims, beyond the count on any reference to victims, will be considered on the basis of explicit references to victims by certain (groups of) victimizers.

There is one first exception, though: ‘victims of terrorism’ will constitute a variable for measurement, because of the legal and discursive configuration. It often comes to be as synonym of victims of ETA, but as it is not strictly the same, it will be set apart.

Beyond that, there are four other variables. The first three refer to concrete general groups of victimizers: ETA; uncontrolled groups, far-right groups and the GAL³⁰; and, security forces.

Lastly, ‘all victims’ is included, as this usually constitutes a reclamation of recognition and redress for all victims beyond the consideration of their victimizers (beyond victims of terrorism/victims of ETA) and not that much on the basis of the human right they got violated – instead tending to focus on the violation of any human right.

3.2.3. Victory-defeat narratives

In *Ending ETA’s Armed Campaign*, Imanol Murua (2017a, pp. 139-156) distinguishes three patterns of narratives on the end of ETA: success, defeat and transformation.

Starting with the first, the end of ETA because of its absolute military success is obviously off the books as they have historically been consistently featured in arguments for armed struggle. The argument however is centred around the case for ETA’s ‘political success’.

In this regard, the argument is made by ETA and the RBPL of a considerable success by ETA during its years of armed struggle, on the basis that it kept ‘the flame’ alive. In words of ETA:

³⁰ The category in (Basque Government, 2008) will be employed.

ETA was born at a time when the Basque Country was agonizing, strangled by the claws of Francoism and assimilated by the Jacobin state, and now, 60 years later, thanks to all the work carried out in many spheres and to the struggle of many generations, the Basque nation is alive and wants to be the master of its own future. (ETA, 2018b)

Similar views are held by individual members. An ETA-prisoner states that:

Thanks to ETA, Spanish nationalism was stopped and the level of awareness of the Basque language was strengthened. Thanks to ETA, we are at a different level in this town. Associations have been strengthened and it is no coincidence that social movements are so strong in Euskal Herria. [...] violence does not serve as a means to an end, but it does serve to shape the current political system. (Gago and Ríos, 2021, p. 185)

This is almost a paradigmatic explanation of the ‘victory narrative’ as it exists not just within ETA but also for some BPL members. The recent electoral success from the legalized independence coalition (now EH Bildu) since (and specially in) 2011 is added to these considerations even if, as Murua clearly states, “the Nationalist Left and ETA did not carry out a costly political-military strategy for electoral purposes” (Murua, 2017a, p. 142).

But, this kind of ‘success narrative’ is similarly held by “[a] faction of the PP, the main association of ETA victims, and some Spanish media outlets [which] have claimed that ETA has obtained a political victory because of the weak policy of the Spanish government regarding the Nationalist Left. The participation [BPL parties] in elections, and their strong presence in official institutions, are signs of ETA’s victory in the view of these factions” (Murua, 2017a, p. 142). The focus is put in ‘the political project of ETA’, that of rupture with Spain, which is still alive and institutionally solidified. And this actually leads to positions that claim that the fight against ETA is still ongoing, in order to prevent this pro-independence political option that is equated to ETA’s project, and even, because of that, that ETA still exists. Along these lines in 2019 the PP “identified ETA and Catalonia as its major political issues for the coming years 2019-2023”

(Bengoetxea, 2020, p. 350), and the ‘up and coming’ political force situated further right, Vox, certainly shares and stresses such a consideration³¹.

The defeat narrative refers mainly to that “narrative of a victory of democracy and a defeat of terrorism [that] is dominant in mainstream politics in Spain and, to a lesser extent in the Basque Country. According to this account, ETA has laid down its arms without achieving any of its objectives as a consequence of a combination of police and judicial repression, and political isolation of the organizations supporting ETA. In summary, the Basque group has been forced to give up.” (Murua, 2017a, p. 145). But Murua challenges the pertinence of talking about defeat: “ETA had a leadership in charge, active militants in hiding, deposits of weapons, and money when they announced the end of their activity” (Murua, 2017a, p. 146). Instead, he argues that it would be more appropriate to talk about failure or self-defeat. “ETA does not publicly acknowledge any defeat, but it does recognize that the political-military strategy reached a situation in which it was unable to achieve its objectives. Furthermore, ETA saw a real possibility of a political defeat after a certain military failure, as they perceived a risk of wasting the alleged political condition created by their struggle” (Murua, 2017a, p. 150).

This argument, together with the acknowledgement that the political movement to which ETA belonged (the BPL) has not been defeated leads him to the final narrative, the one he claims as accurate or appropriate: transformation. Synthesizing, for Murua, the end of ETA is “a story of successful transformation triggered by an awareness of imminent political defeat after the irreversible failure of the political-military strategy of attrition due to multiple factors” (Murua, 2017b, p. 109). Without possibility of getting into much of those multiple factors, we may highlight here the acknowledgement of necessity inscribed to this transformation and linked to the issues point out in the previous paragraph, but also the sense of opportunity for the Basque BPL cause in the abandonment of armed activity and the build-up of a larger legal pro-independence coalition (for which ceasing armed activity was a necessary condition). This led to the formation of Bildu as political coalition, and its historically good results on May 2011 “confirmed the validity of the political option and ended definitively the debate with ETA” (Zulaika and Murua, 2017, p. 350). Furthermore, Murua sees more than a mere change of the bullet for the

³¹ Some examples: Vox deputy Macarena Olona told in a parliamentary session, “You are ETA” to EH Bildu (voxespana.es, 2021, or, an urgent interpellation brought up in congress on 16 February 2022 by Vox “on the measures to be taken by the Government to prevent ETA from deciding Spain’s penitentiary policy” (Parliament. CoD, 2022a).

ballot maintaining the same radical stance because they still maintain the same goals of independence and (ambiguously) socialism: “In the past, they regarded an armed vanguard as legitimized in using violence and leading a struggle on the grounds of the fairness of their objectives, regardless of the will of the majority of the Basques, expressed in elections. Today, they have assumed that their political goals will only be achieved in the event that a majority of the Basques support them and they have pledged allegiance to exclusively peaceful means, and to the rules of representative democracy.” (Murua, 2017a, p. 154).

All this explanation tries to give an account on the nuances involved in this topic, which can link with mentioned issues of ‘justice of the enemy’ or victors’ justice. But, because of difficulties of quantitative measuring of such narratives, the present work will just focus on a simplified version of it that is the measurement of any reference to ‘victory’ or ‘defeat’. And the mere reference to any consideration of ‘victory’ or ‘defeat’ is in itself, without any other *a priori* considered specificity, an element of notable interest specially for a TJ focus such as these work’s. We have already mentioned the BPL’s option of TJ “does not seek winners and losers” (Ezker Abertzalea, 2012, p. 17) and the opposing view that contends that we should “highlight the distinction between victors and defeated, and between victims and victimizers, clearly identifying who have been victims of terrorism” (Rodríguez Fouz, 2021, p. 6) and acknowledge that terrorism was defeated by democracy. It certainly determines the normative goals of addressing ETA-years. Something especially clear, for instance, if anything along the lines of reconciliation is sought, or more fundamentally, if it is still considered to be an ongoing ‘fight’ against ETA. And, all in all, it relates to the wider question of the possible Basque non-paradigmatic TJ, as the first change in TJ practice was the gain of weight of dealing with negotiated peace settlements, and, “[t]he end of a conflict by negotiated agreement meant there were no clear winners or losers” (Turner, 2013, p. 202). How the post-ETA-years case, after ETA’s unilateral dissolution fits within these issues of the TJ-framework is implicitly brought forward here.

3.2.4. ‘Pro-democratic’ friend vs enemy constructions

In 1932 Carl Schmitt published its famous book ‘The Concept of the Political’ where he stated that “[t]he specific political distinction to which political actions and motives can

be reduced is that between friend and enemy” (Schmitt, 2007, p. 26). The Schmidtian enemy is constituted at a distinct ontological level, as it is understood as “the other, the stranger; and it is sufficient for his nature that he is, in a especially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible” (Schmitt, 2007, p. 27).

This kind of opposition seems integral to ETA’s radical stance and actions. Gaizka Fernández Soldevilla (2016, pp. 23-62) analyses the radical nationalist narrative present in ETA’s discourse/rhetoric in a way that exposes an antagonism of this kind. It features the Spanish State as the external enemy and the Basque ‘españolistas’ (roughly translated as the ‘pro-spanish’) as the internal enemy. And this can also give birth to dehumanizing constructions that set the enemy in such terms that ‘enable’ the deliberate deadly targeting of them. In these terms, an online glossary by victims’ memorialization organizations presents, for example, the use of the term ‘txakurra’ (‘dog’ in Basque) employed in reference to policemen (Fundación Memorial de las Víctimas del Terrorismo, and, Fundación Fernando Buesa Blanco).

But, although this kind of ‘Schmidtian’ differentiation certainly seems integral to ETA’s radical stance and actions, it can also be spotted in the anti-ETA constructions that arose from the political parties vindicating the existing democratic order against terrorism.

A series of parliamentary resolutions and pacts from the mid/late 80s signed at the three levels (CoD, BAC and CCN)³² by basically all political forces except for the BPL, set a wide-scope basis for the political configuration of terrorism (mostly termed as violence, in general) as an/the existential enemy for democracy.

The scenario changed since the late 90s, when, in 1998, EAJ-PNV and EA, together with the BPL party HB (and many other non-political-party/coalition agents), signed the ‘Lizarra-Garazi Accord’ towards the solution of the conflict “through a process of open dialogue and negotiations” (*Lizarra-Garazi Accord*, 1998), replicating the Northern Irish way of the nationalist front strategy. The new configuration, that left EAJ-PNV and EA aside as they accepted the ‘conflict paradigm’, introduced a stronger constitutionalist element in the friend vs enemy configuration, as it had been on the rise since the PP got

³² (Basque Parliament, 1985); (*Acuerdo de Madrid sobre Terrorismo*, 1987); (*Pacto de Ajuria Enea, para la normalización y pacificación de Euskadi*, 1988); (*Pacto de Navarra, Acuerdo por la Paz y la Tolerancia*, 1988).

into government in 1996. The the so-called ‘Anti-terrorist agreement’ (*Acuerdo por las libertades y contra el terrorismo*, 2000) signed by the two major Spanish parties (PP and PSOE) in 2000 is the major example of this configuration: constitutional democrats vs terrorists(/violents). A slight turn that can still be assimilated within the democrats-terrorists/violents friend-enemy construction.

It is quite clear that contemporary Spanish democracy has been constructed stablishing terrorism, and specifically ETA and its terrorism, as the enemy on the basis of which to negatively define itself (stressed in the absence of such an exercise and attitude in relation to the Franco dictatorship). This seems fully adequate coming from a Rule of Law identity. But the delimitation of that enemy has been and can still be contentious and problematic; especially when going for ‘affine’ ideologies and the polymorphous and blurrily delimited ‘social support’. The judicial strategy started in the late 1990s and followed through the XXIst century of targeting ETA’s web of support, also known under the nickname of ‘all is ETA’ (‘todo es ETA’), got to this level. As that enemy of terrorism is transformed to include support, even indirect-ideological, questions on the legitimacy of such friend-enemy construction under the umbrella of the criteria democracy may come into question. An example of excess in this regard is the closing of the newspaper *Euskaldunon Egunkaria* (the only newspaper that was published in Basque in its entirety) and the detention of its directors. The sentence finally acquitting the five accused members included a critique of “the narrow and erroneous view that everything to do with Basque and culture in that language has to be promoted and/or controlled by ETA” (SAN 27/2010 of 12 April).

A radical existential opposition may not be apparent today, as political violence have been left behind. But, current us-them constructions certainly are relevant to the ‘political game’ and draw on the more clear cut friends-enemies from the recent past. Here the focus will be on the friend-enemy constructions that have ‘democrats’ (and ‘constitutionalists’) as friend and the enemy presented against them (totalitarians, antidemocrats, antipluralists...) ³³. Trying to include other constructions would make it either messy or too complex and vast. Furthermore, the focus on democracy directly links to this work’s TJ focus and relates to the question of whether it is a necessary construction for it or it is either an excessive and conflict-based friend-enemy distinction that remains

³³ The enemies identified in the 1980s pacts.

an obstacle to overcome the oppositions of the pre-transition situation and work towards reconciliation/coexistence.

3.2.5. Action-guiding principles

Declared stances on action relating to ‘facing the ETA-years’ usually exhibit some founding and guiding principles/values. These vary from normative aims envisioned in a process of transition with the ‘political bargaining’ it may require, to general principles of law mentioned in legal texts and, thus, based on the existing legal-political *statu quo* in the country.

However, this work attempts at a joint approach to any mentioned action-guiding principle, understood under the light of prudence. It is an interpretative key that comes as fully coherent with the TJ approach. This can be illustrated in the next words of Arthur in relation to the nature of the process in Argentina (one of the ‘founding’ cases of TJ practice):

The questions raised by the Argentine case were not only ones of justice: Whom to punish, by what authority, and on what grounds? What to do for victims and their loved ones? Rather, they were questions about justice and prudence: How to balance competing moral imperatives, reconcile legitimate claims for justice with equally legitimate claims for stability and social peace, and foster the relationship between justice for crimes of the past and a more just political order in the present. (Arthur, 2009, p. 323).

Aristotle, came to define prudence as “a state grasping the truth, involving reason, and concerned with actions about human goods” (Aristotle, 1999, p. 90). Within it “the principles of things achievable in action are their goal” (Aristotle, 1999, p. 90). As such, the action-guiding principles that pop up during conversations on addressing the ETA-years also seem to set the principle from which to give form to action on the issue of the ETA-years while that principle in itself is set as the goal in the horizon – one that would constitute part of a virtuous society and system after the ‘vicious’ close past.

Such a ‘loose’ take on principles, including general principles of law, may seem problematic to some, but, it has to be born in mind that it is their use in parliamentary session (their not-necessarily-rigorous and politically-charged use) which will be

measured here. The ‘prudence-based approach’ fits this work’s framework better and assumes the ‘pretended’ deliberative nature of parliamentary talks, especially when addressing the good in addressing the ETA-years.

All in all, it is an alternative take that, reinterpreting them, relates to exercises on TJ theory such as those present in Turner (2013, pp. 204-206) or Winter (2013, pp. 12-15). Regarding Turner’s interpretation on the basis of ‘kantian’ regulatory ideals (where justice would be the fixed regulatory ideal of TJ), the goal achievement that lays in TJ action is pretty much maintained, but, the present approach expands the realm of elements susceptible of serving as principles due to the context of multiple, fragmented and controversial approaches brought by different actors into the post-ETA-years scenario. Also, a strong take on the subordination of ‘good’ law to transcendental standards is avoided – again, accordingly to the not clear transitionality of the case. In what comes to Winter, the nature of legitimating values as discursive elements suits the deliberative element considered in this work as well as, of course, the overall relevance of democracy and legitimacy presented as theoretical framework (section 2.4.1). But, the specific values he proposes from his liberal-democracy TJ frame are also expanded as to include the different possibilities that exist in actual talks on addressing the ETA-years.

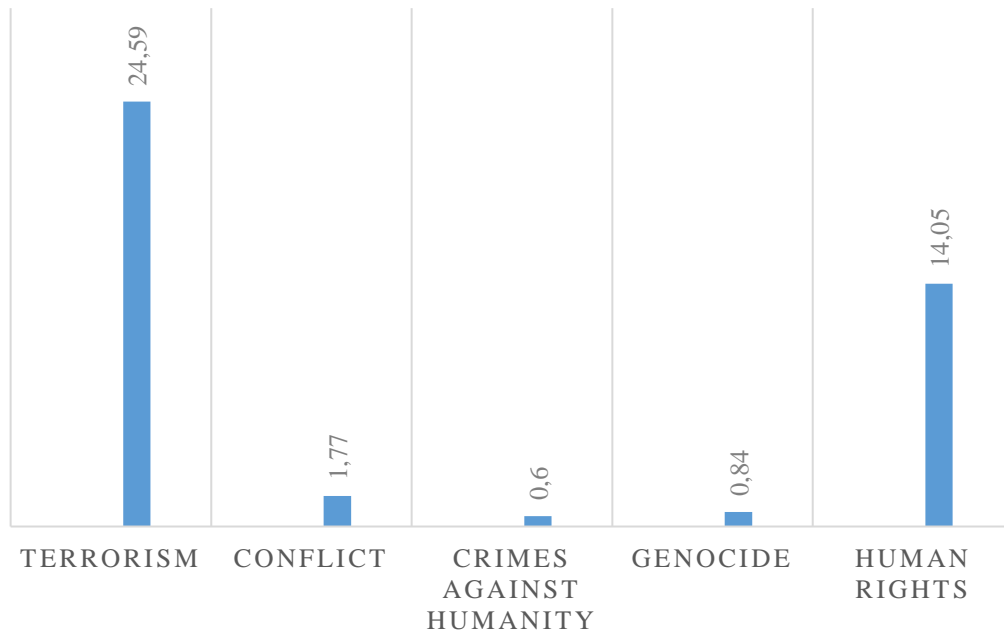
The specific ‘action-guiding principles’ introduced for automatized measurement (displayed in section 3.2) are set on the basis of an interpretative consideration of the ‘action-guiding principles’ set in different documents that correspond to different actors/approaches:

- Preambles to the main Spanish laws in relation to reparation of victims of terrorism (terrorism paradigm approach): (Ley 29/2011, of 22 September) and (RD 671/2013, of 6 September).
- Main declarations of the international actors in the process towards ceasefire and dissolution (conflict paradigm approach): ‘Brussels Declaration’ (Currin, 2010), ‘Aiete Declaration’ (*Aiete Declaration*, 2011) and ‘Arnaga Declaration’ (*Arnaga Declaration*, 2018).
- The main points and introductions of the coexistence (and human rights) plans for 2021-2024 of the Basque and Navarrese governments: (Basque Government, 2021) and (Government of Navarre, 2021).

4. RESULTS

A) General view

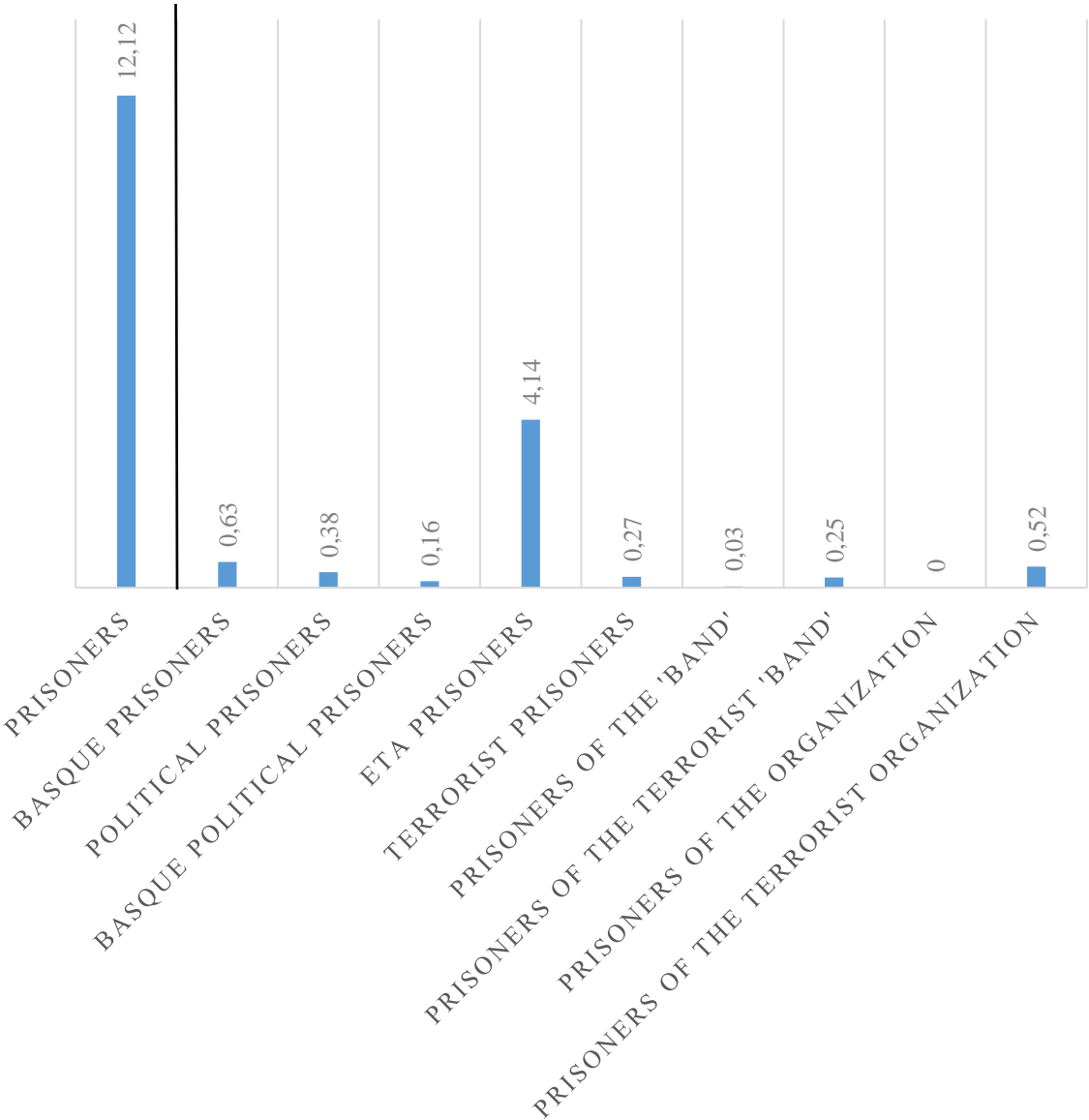
Figure 3: Notions/frames for the ETA-years (3.2.1) – frequency per 10,000 words – Full Sample



In *Figure 3* we can see the explicit mention to notions/frames that relate to how the issue with/within the ETA-years is talked about. Terrorism appears clearly as the main one overall. Conflict, as the counterpart in the ‘meta-conflict categories/variables has a much smaller presence. Indeed, it lays far behind ‘human rights’, suggesting that the issue of the ETA-years or the issues within the ETA-years in recent parliamentary talks are talked about in terms of terrorism, first, and human rights, second.

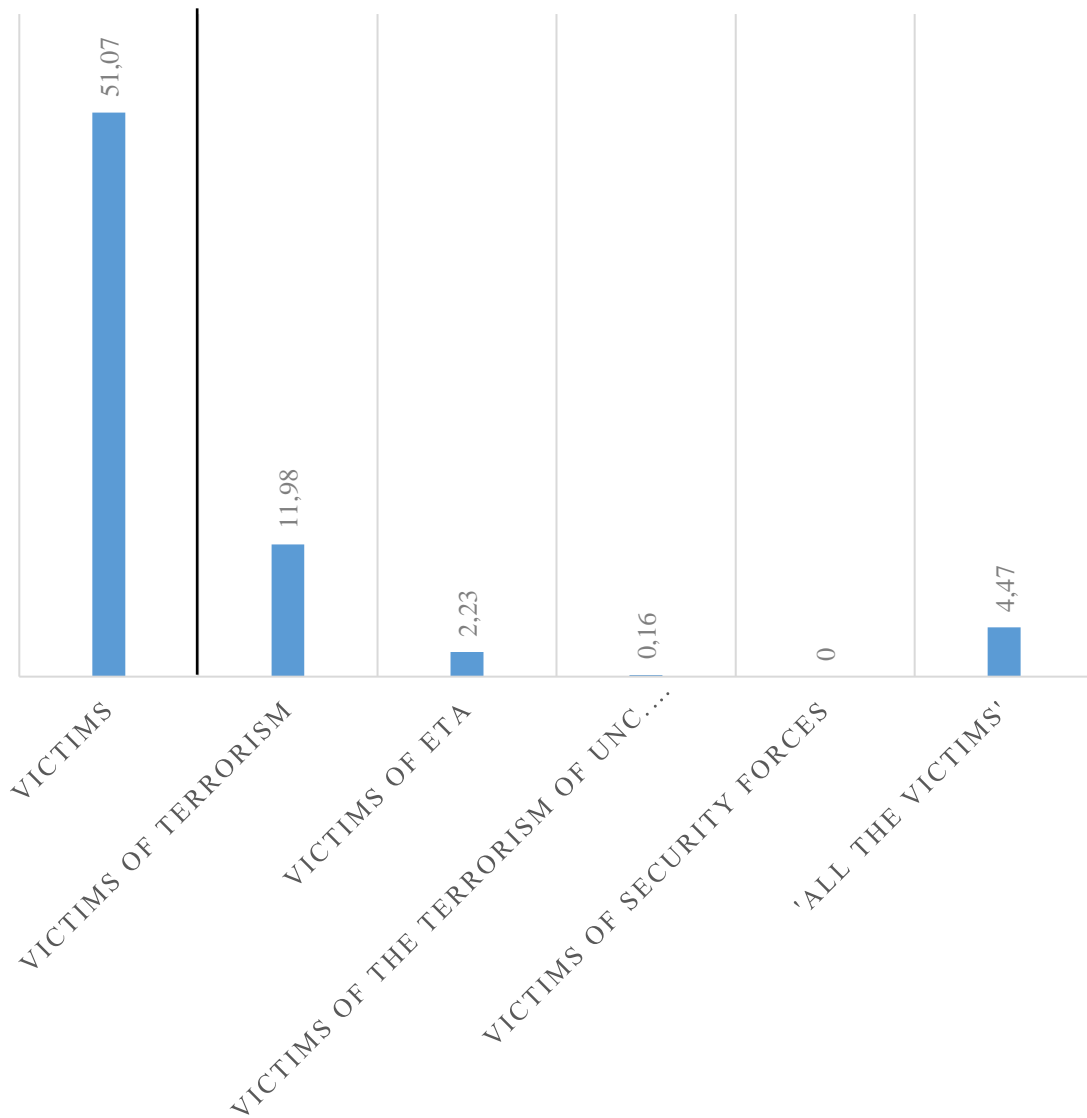
The explicit reference to crimes under ICL is really limited but existent nonetheless. The higher reference to genocide than to crimes against humanity seems to go against the explanations given for the a priori construction of the variables.

Figure 4: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – Full Sample



From *Figure 4* the main appreciation to make is to the low frequency of specific framings on the issue of prisoners except for that of ‘ETA prisoners’.

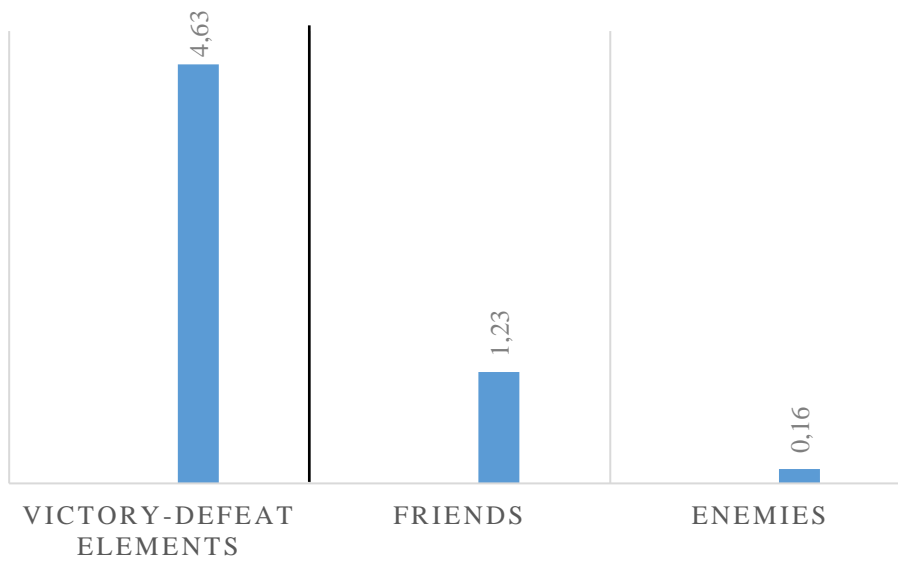
Figure 5: Victims and their framing (3.2.2.2) – frequency per 10,000 words – Full Sample



The first thing to note here (*Figure 5*), is that ‘victims’ is the analyzed variable with the highest frequency for the sample. As in the case of the ‘prisoners’, specific frames are not prevalent. Still, ‘victims of terrorism’ may be considered a notable exception. It presents 9th highest frequency of all the variables, and represents an inversion with respect to ‘prisoners’, where reference to ETA topped reference to terrorism – something that seems to match both legislation on victims and the highest employed notion/frame for the ETA-years.

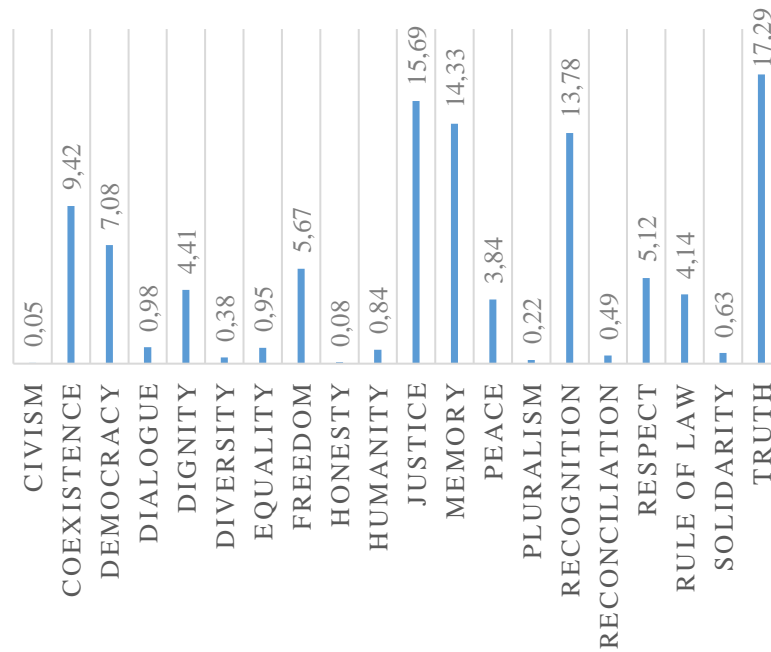
Coming from the overall perspective on the variables with the highest frequency, ‘all the victims’ and ‘victims of ETA’ are still notable.

Figure 6: Victory-defeat elements (3.2.3) + friends & enemies (3.2.4) – frequency per 10,000 words – Full Sample



Victory-Defeat elements still present a considerable presence (14th highest frequency among the variables). Friends (22nd), and specially enemies (38th, accounting for just 6 mentions in all of the sample – see *Table 17*). Drawing on KWIC, we see that within ‘friends’ mainly ‘democrats’ but also a few ‘constitutionalists’ are used, and, within ‘enemy’, 4 ‘totalitarians’ and 2 ‘the violent ones’.

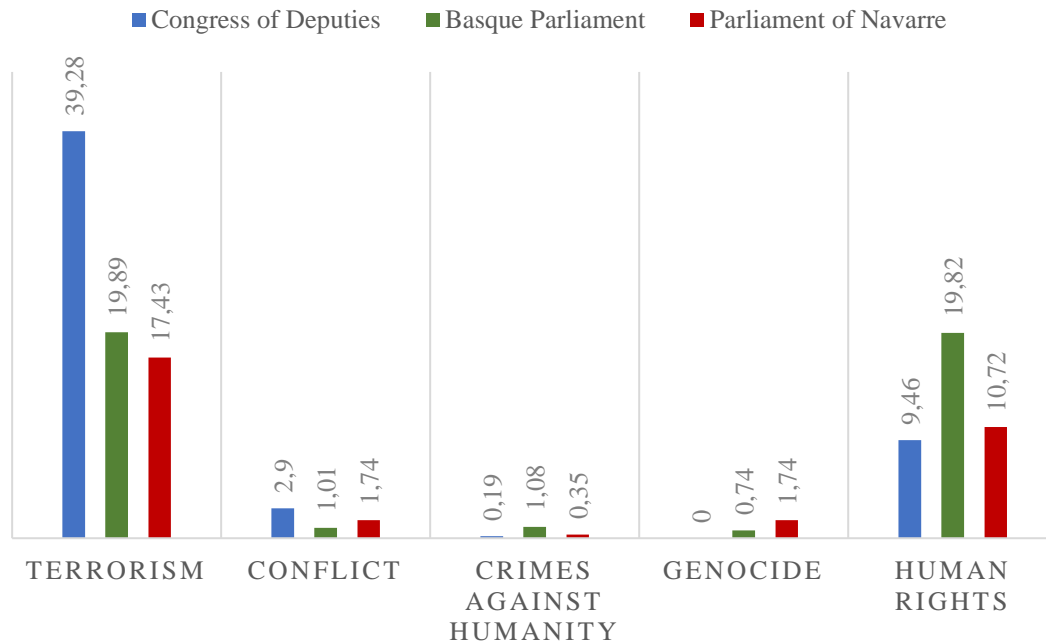
Figure 7: Action-guiding principles (3.2.5) – frequency per 10,000 words – Full Sample



Lastly, in relation to the action-guiding principles, we can distinguish a few levels in what comes to their frequency (as made visible by *Figure 7*). First, there are 4 main ones: truth, justice, memory and recognition (3rd, 4th, 5th and 7th respectively as most frequent among the measured variables). On a second level we could put ‘coexistence’ and ‘democracy’. Then, ‘freedom’ and ‘respect’. And, as a last noteworthy level, ‘dignity’, ‘Rule of Law’ and peace. The rest, stand with a relative frequency of under 1 per 10,000 words, which translates in a maximum of 36 mentions.

B) In each parliament

Figure 8: Notions/frames for the ETA-years (3.2.1) – frequency per 10,000 words by Parliament (3.1.1)



Starting with the results by parliament, in *Figure 8* we see how the ‘terrorism frame’ is the main for all, but much more notably for talks in the CoD.

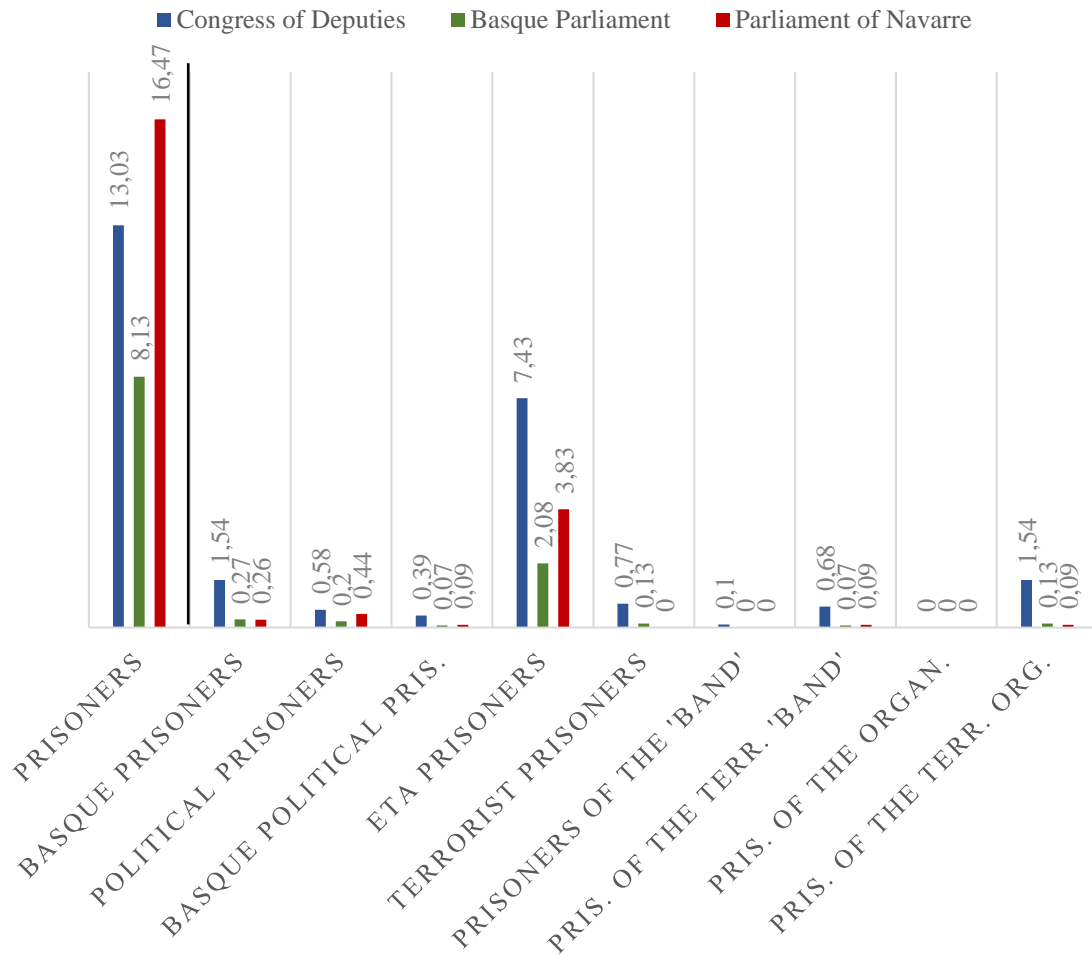
The reference to ‘conflict’ can be considered as minimal in all the cases, but it is still noteworthy how it presents a higher frequency in the CoD. Especially when compared with the BP. A priori, following the explanations given in relation to the approaches to the ETA-years by the different State-institutions, the first should be paradigmatic of a ‘the ETA-years=merely terrorism’ approach with no room for discourses about ‘conflict’, and, the second, should present a more integrative approach including to more extent the arguments about a/the conflict.

Regarding crimes under ICL, it is evident how it is the PoN that inverts the prevalence of crimes against humanity over genocide.

For the case of ‘human rights’ it must be noted how in the BP it almost matches the frequency of ‘terrorism’. This can be seen as coherent with the pseudo-TJ approach in the BAC, that would put in the centre violations of human rights in the past and terrorism would, in a way, be an element subordinated (in a logical-argumentative way) to them (as

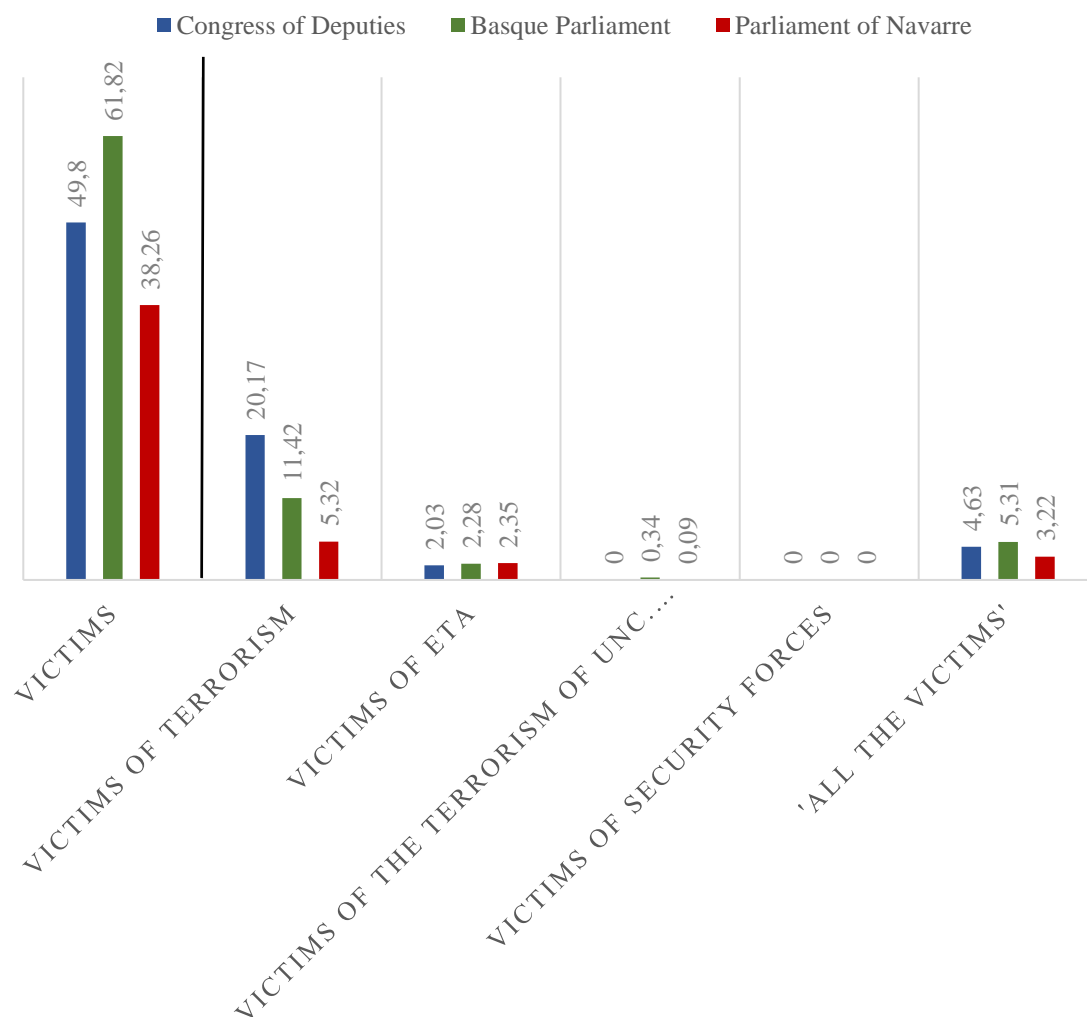
the direct cause of a relevant part of them). The CoD would represent the opposite case. But, following this logic, PoN’s results appear as somewhat low.

Figure 9: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by Parliament (3.1.1)



‘Prisoners’ have popped up more times in the PoN but in the CoD more framings on them have been used– for all of the cases (Figure 9). The BP in comparison, falls far behind to both in these frequencies. ‘ETA prisoners’ is the most relevant frame for all the parliaments.

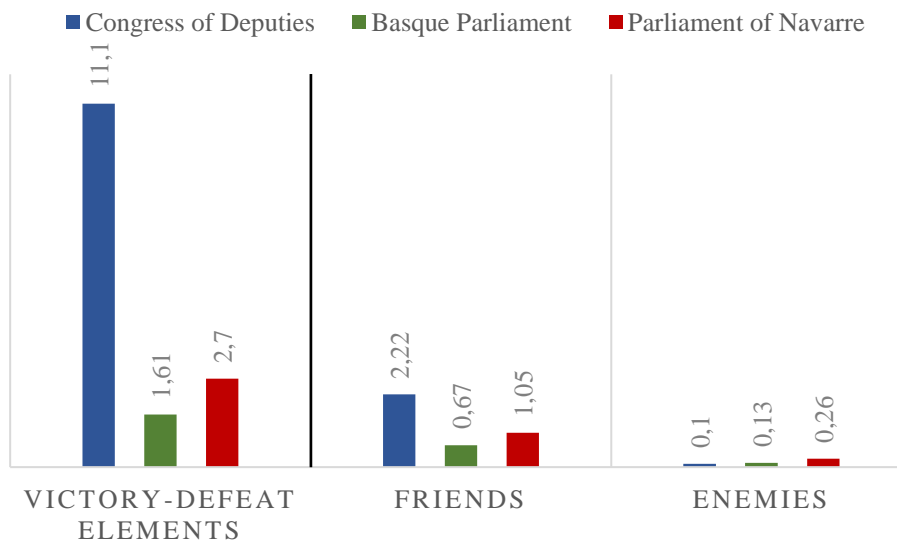
Figure 10: Victims and their framing (3.2.2.2) – frequency per 10,000 words – by Parliament (3.1.1)



‘Victims’, as said, is the most frequent variable overall, but it also is for each parliament (Figure 10). The case of the BP is especially noteworthy due to the prominence it obtains there: ‘victims’ has a difference of 41.93 from the most frequent second variable (‘terrorism’). The presence of ‘victims’ in the talks of the PoN, seems low, in turn.

In relation to the specific framings, that of ‘victims of terrorism’ is worth a specific mention. Even if the main for all, the much bigger weight in the case of the CoD seems come in accordance to the Spanish victims’ framework, and, conversely, to the wider pseudo-TJ approaches in the BAC and Navarre.

Figure 11: Victory-defeat elements (3.2.3) + friends & enemies (3.2.4) – frequency per 10,000 words – by Parliament (3.1.1)



It is notable, moving on to *Figure 11*, the much higher frequency of the victory-defeat elements in the CoD. Together with the middle point tending more towards the BP’s position that the PoN sets, it seems to point again towards the contrast of the defeated-terrorism vs peacebuilding+coexistence approaches. ‘Friends’ presents the same structure but at a lesser scale.

Table 4: Action-guiding principles (3.2.5) – frequency per 10,000 words – by Parliament (3.1.1)

	Congress of Deputies	Basque Parliament	Parliament of Navarre
TRUTH	14,28	17,67	19,52
JUSTICE	12,84	14,85	19,35
MEMORY	11,87	16,93	13,16
RECOGNITION	6,08	19,02	13,95
COEXISTENCE	4,63	10,35	12,55
DEMOCRACY	7,62	5,11	9,15
FREEDOM	6,37	5,58	5,14
RESPECT	6,18	4,64	4,79
DIGNITY	8,4	3,16	2,44
RULE OF LAW	6,76	2,89	3,4
PEACE	3,67	3,09	4,97
DIALOGUE	1,35	0,6	1,13
EQUALITY	0,29	1,41	0,96
HUMANITY	0,39	1,28	0,7
SOLIDARITY	0,29	0,87	0,61
RECONCILIATION	1,16	0,4	0
DIVERSITY	0	0,67	0,35
PLURALISM	0,1	0,34	0,17
HONESTY	0,1	0,07	0,09
CIVISM	0,1	0,07	0
TOTAL	92,48	109	112,43

Lastly, the action-guiding principles (*Table 4*). In the case of the CoD we see how it pretty much shares the overall ranking. This is clear for the top-3, but it must be noted how the other principle of the overall top-4, recognition, loses considerable weight – being surpassed by democracy, Rule of Law, freedom and respect.

In the BP instead, recognition appears as the main one. The rest of the top-4 makes it here as well, but ‘coexistence’ is not that far behind, with a relative frequency of over 10 per 10,000 words.

Navarre presents similar results to the BP in what comes to the main principles, as its top-4 is also composed of the 4 main principles in the full sample-ranking with ‘coexistence’

as a close fifth (actually, considerably closer for the PoN than for the BP). Here, however, two clear blocks are set within the top-4 with ‘truth’ and ‘justice’ clearly heading it and ‘recognition’ and ‘memory’ in the second block.

Going beyond these specific action-guiding principles’ ‘tops’ it should be seen how, overall, PoN and BP present more of these principles understood also as normative aims. Should this be understood as related to a need to invoke principles further than the ordinary-*statu quo* legal framework when opting for a ‘transitional approach’?

Furthermore, some interesting points could be drawn on other lesser (in terms of frequency) principles.

Results on ‘coexistence’ are clear and consistent with what had been predicated of the BAC’s and Navarre’s approaches to the ETA-years. But the counterpart that the ‘reconciliation’ sets is also interesting, because it shows how in the Basque case the option for coexistence entails the rejection of the more ‘demanding’ reconciliation-frame. As ‘reconciliation’ would be (in most cases) the category more related to a post-conflict transition it also seems to reinforce one part of the consideration of the approach of the BAC and Navarre as one of *pseudo-TJ*.

The much higher frequencies of ‘dignity’ and ‘Rule of Law’ in the CoD than in the BP or PoN are also worth a mention. The latter appears to match, as the other side of the coin, the appreciation made for the higher overall presence of action-guiding principles in the PoN or the BP, as it is the domestic Rule of Law, the *statu quo*, the one vindicated here. Dignity is maybe a less clear case, but, taking a look at the KWIC results, it appears as it is mainly talked about the victims. As such, it can also be related to the previously talked about legal *statu quo* against humiliation of victims of terrorism and, the overall, recent but established configuration of the victims of ETA/terrorist world (including its associations).

To end this part of the results, a note could be put on ‘peace’. Its not too big frequencies, specially watching that the one of the BP is lower than that of the CoD, could point out that the peacebuilding approach attributed to the actions by the BAC and Navarre is no longer so, and, thus, peace is not such an eminent normative aim. Something that would make sense, as ETA ceased to exist and the narrative on the persistence of ETA, and the continuation of the need for peace it could bring, are coming from other places and approaches/frameworks. However, there is still room for the positive peace approach

bringing peace to the table along with coexistence. The observation of the KWIC results suggest that this is the case for many of the 'peace' mentions. Something coherent especially for the case of the PoN, the parliament with the highest frequency of 'peace'.

C) By political force

Figure 12: Notions/frames for the ETA-years (3.2.1) – frequency per 10,000 words – by ‘political force’
political space (3.1.2)

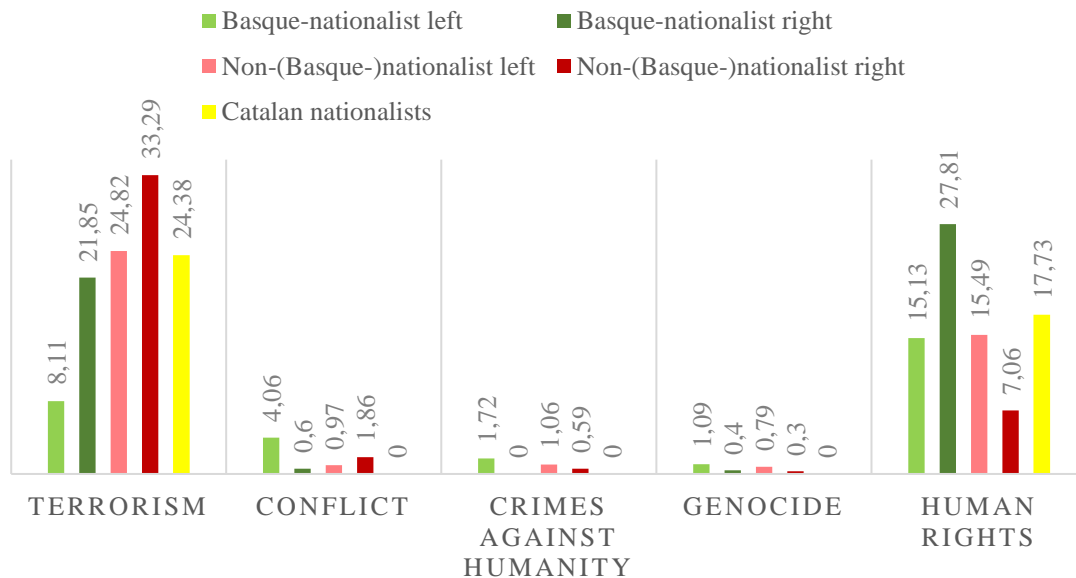
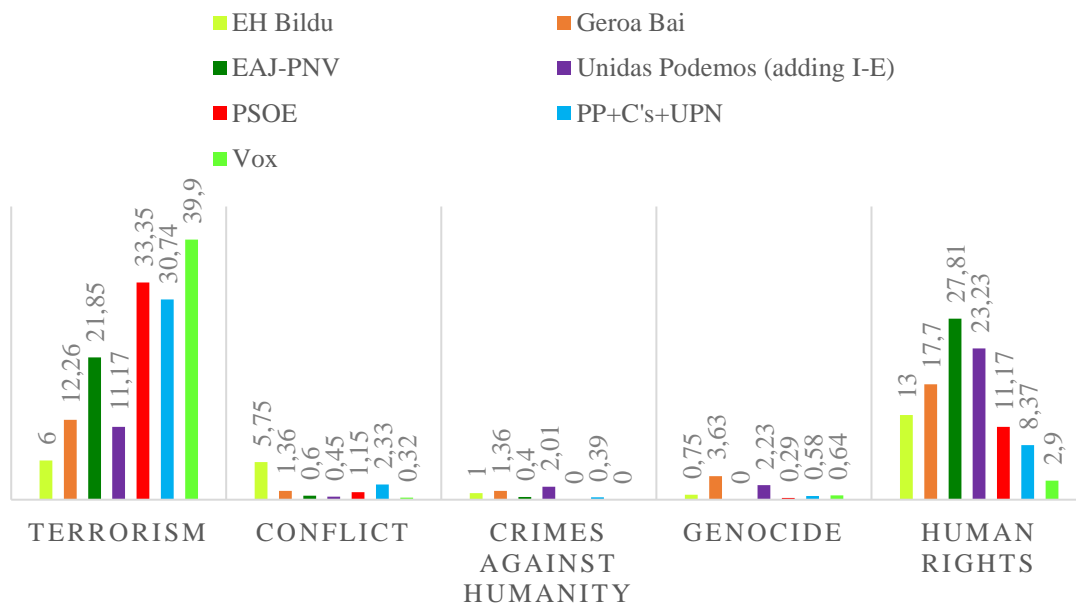


Figure 13: Notions/frames for the ETA-years (3.2.1) – frequency per 10,000 words – by ‘political force’
main political parties/coalitions-groupings (3.1.2)



Starting with the results displayed in *Figures 12 and 13*, a tendency of the Non-(Basque-)nationalists to rely more on categories of terrorism could be noted first. The Non-(Basque-)nationalist right specially, with Vox being the extreme example, as its 39.9 per 10,000 words relative frequency makes it the highest among ‘political forces’ but also among the other measured variables this political formation presents. The non-(Basque-)nationalist left is divided on this as PSOE presents the second highest and UP+I-E the second lowest. That makes the overall of the Non-(Basque-)nationalist left stand close to that of the Basque-nationalist right conformed by EAJ-PNV. The Basque-nationalist left has the lowest frequency of ‘terrorism’ variable, by a considerable margin, being EHB the party/coalition really lowering it.

‘Human rights’ presents similar relations but with opposite impact on the frequencies. Specially when looking into the ‘main political parties/coalitions-groupings’. Two blocks are set: those with higher frequency of ‘terrorism’ than ‘human rights’ (Vox, PP+UPN+C’s and PSOE) and those with higher frequency of ‘human rights’ than ‘terrorism’ (EHB, GB, EAJ-PNV and UP+I-E)³⁴. Among the first it is to note how PSOE keeps a higher frequency of ‘human rights’ than rightist PP+UPN+C’s even if the first presented higher usage of the ‘terrorism frame’. For the second, just to stress how UP+I-E ‘breaks’ the dichotomy from being ‘Basque-nationalist’-‘Non-(Basque-)nationalist’ even presenting the highest leap from a low employment of ‘terrorism’ notion to a high one of ‘human rights’. It is the one that most properly suggest an inverse relation among these two variables that is (with the slight exception of PSOE-PP+UPN+C’s) suggested for the Non-(Basque-)nationalists, but which does not stand for the whole ‘political forces’ landscape, as it is not held by Basque-nationalist forces, which present similar differences and do not get ‘inverted’ in their order.

Moving on to ‘conflict’, the Basque-nationalist left presents a notable frequency of it. It has some presence in GB but it is clearly more relevant for EHB. And, drawing on a closer qualitative take we can see references to ‘conflict’ in both political or armed ways, being the first the predominant, however. In just one parliamentary session section we can see through three quotes the meanings and implications in EHB’s use of ‘conflict’:

³⁴ ‘Terrorism’-‘Human rights’ differences by ‘main political parties/coalitions-groupings’ of, respectively: +37, +22.37, +22.18 ; -7, -5.44, -5.96, -12.06.

- “[...]we are talking about an unresolved political *conflict* that can only be answered and resolved democratically, by giving the Basque people a voice and a say.” (Parliament. BP, 2021c)
- “You are trying to make people believe that there has been no political *conflict* [...], that the nearly 400 murdered and thousands tortured by the State are the fruit of our imagination, that the only violence has been that of ETA, and that the only victims worthy of such consideration are, also, those of ETA.” (Parliament. BP, 2021c)
- “[...] the solution to this issue, making it more difficult to resolve the issue of the prisoners. And thus hinder the resolution of the *conflict* itself.” (Parliament. BP, 2021c)

The first is the clear example of the ‘political conflict’. The second translates the ‘political conflict’ (even using those terms) to issues of ‘armed conflict nature’ (without assuming the strict IHL conditions). And, the third evidences how this understanding of a politically motivated but multifaceted conflict entails that it is in the process of being solved also through ‘technical’ issues.

All in all, all of the main political parties/coalitions-groupings get to mention it, but the quite high frequencies of PSOE and specially, PP+UPN+C’s should be mentioned, as they are political forces from which a ‘conflict discourse’ is not expected. However, a qualitative consideration here easily elucidates it: the ‘conflict’ is mentioned in order to explicitly argue against it. Some examples:

- PP+UPN+C’s: “You want to downgrade ETA's terrorism to a political *conflict*, forgetting that there is no *conflict* at all but a terrorist barbarity.” (Parliament. CoD, 2018c); “you maintain the fallacy, the story that there was not a persecution against hundreds of thousands and millions of Spaniards but a *conflict* between two sides” (Parliament. CoD, 2021d).
- PSOE: “to enter here is to generate a narrative that deepens the theory of *conflict* between two opposing sides, and the socialists, of course, will not be nor will we ever participate in that narrative” (Parliament. PoN, 2019); “Terrorism did not justify any violations of rights, but neither do such violations evidence any *conflict*” (Parliament. BP, 2018b).

For both cases we can say that their reference to conflict relates to meanings of both, political conflict and armed conflict. Nevertheless, armed conflict can be seen as the main one, not via explicit references but through inclusion of elements related to violence by two sides. In any case, and it is important to stress it, no difference is drawn and it is collectively talked about the ‘conflict narrative’ as univocal.

Finally for this set of results, in relation to the crimes under ICL, them being brought up mostly by the left seems to go against the preliminary explanations given for these variables. Taking a qualitative look at the results of the KWIC this is justified in two ways.

First, there is a part of arguing against ETA’s crimes (or even the whole BPL’s actions) as constituting crimes against humanity or genocide. For instance, GB: “ETA's crimes, which GB has always condemned out of a deep ethical conviction, are worthy of the label of terrorism, but to call ETA's acts of national cleansing, *crimes against humanity* and acts of *genocide* is so hyperbolic that it deserves no further comment” (Parliament. PoN, 2020a). UP+I-E: “As I say, it is barbaric to accuse the nationalist left in general, many people in Navarre, in Euskadi, who consider themselves part of this group that uses this expression. How can this group be accused of national cleansing, of crimes against humanity, of genocide?” (Parliament. PoN, 2020a).

Second, some of these references also come from denunciation of (some) Franco regime crimes as crimes against humanity or genocide. The session in the Basque Parliament on the responsibility of Martín Villa in relation to francoist crimes (Parliament. BP, 2022c) gathers many of these mentions.

At the same time, the few mentions by the Non-(Basque-)nationalist right are the other side of these issues:

- PP+UPN+C’s: “suggest to the competent institutions to exhaust the interpretative possibilities of criminal law, including the double recognition of ETA's terrorist crimes as *crimes against humanity* even before 2004” (Parliament. BP, 2022e)
- Vox: “to demand the return home of the prisoners *genocidal* of Spanish people, and to demand impunity for the execrable crimes committed” (Parliament. BP, 2022b)

Figure 14: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by ‘political force’
political space (3.1.2) – 1st part

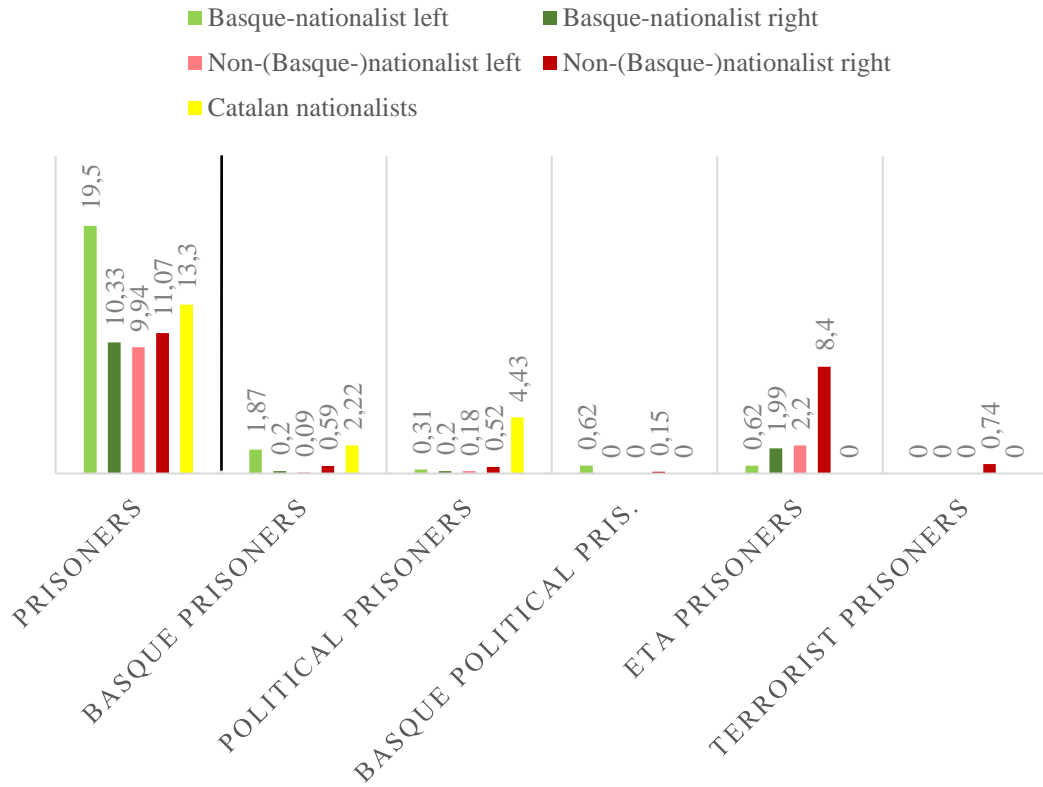


Figure 15: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by ‘political force’
political space (3.1.2) – 2nd part

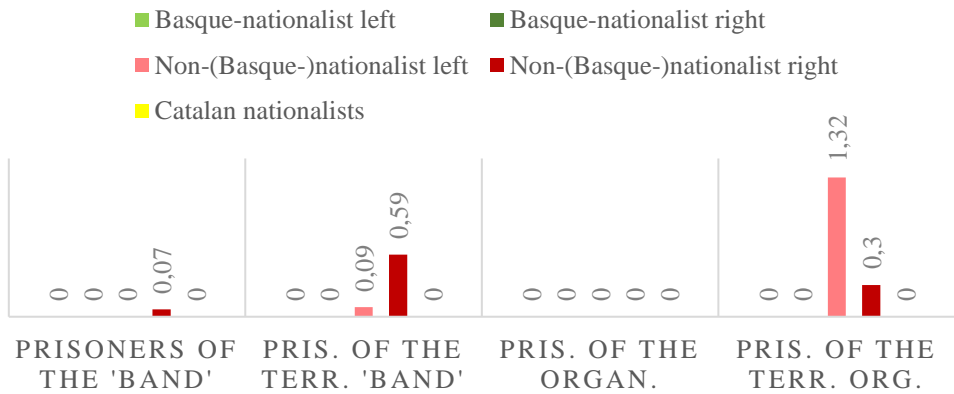


Figure 16: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by ‘political force’ main political parties/coalitions-groupings (3.1.2) – 1st part

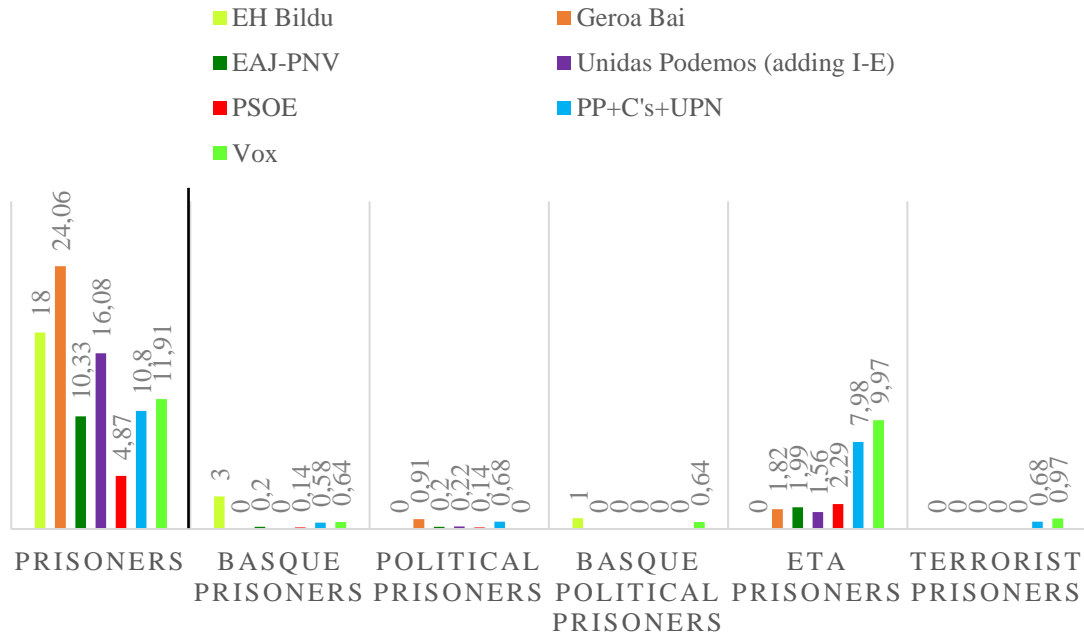
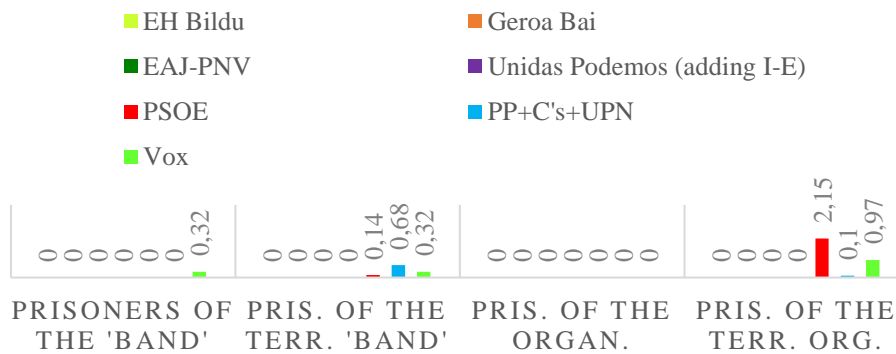


Figure 17: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by ‘political force’ main political parties/coalitions-groupings (3.1.2) – 2nd part



Figures 14 to 17 present the results on the issue of prisoners by political force.

A first consideration to make drawing on them is the high frequency of ‘prisoners’ for the Basque-nationalist left. GB is specifically the main one, but most of the times without specific framings for prisoners. They even come to argue against some framings: “for us, there are no common *prisoners* and *political prisoners*. All *prisoners* are common *prisoners* or, I don't care, all *prisoners* are *political prisoners*.” (Parliament. PoN, 2018b)

EHB, by contrast, with less frequency on ‘prisoners’ relays more on framings. Specifically, ‘Basque prisoners’ and ‘Basque political prisoners’. The reliance on the ‘Basque’ element, beyond the underlying Basque nationalism of the political force,

matches the ‘pro-prisoners’ expressions at the social level – which have *Euskal presoak, etxera* (roughly *Basque prisoners, home*) as their most usual slogan. GB being the political force most referencing the prisoners, over EHB, is something that does not seem to fit here, as such expressions usually come from the BPL specifically. The previously shown high frequency of ‘prisoners’ in the PoN, however, may mitigate this element, as GB only has presence there. It would relate, thus, to a more ‘prisoners-heavy’ parliamentary talks ‘environment’.

Including other political sectors, a relevant appreciation to make is that ‘ETA prisoners’ is the main framing for all main political parties/coalitions-groupings but EHB (which does not even mention it once). And, it is especially strong for the Non-(Basque-)nationalist right. A political ‘sector’ that also puts some emphasis on the elements of ‘terrorist’ and ‘band’.

For the case of PSOE it is notable how, with a low overall frequency of ‘prisoners’ within its talks, it strongly relies on the framings of ‘ETA prisoners’ and ‘prisoners of the terrorist organization’. It seems a quite denotative approach, still, referring to the ETA and terrorist framings.

Here again UP+I-E seems more aligned with the features of the Basque-nationalist left.

For EAJ-PNV, the results have to shed a general moderate-scarce presence of ‘prisoners’ with little reliance on specific frames – ‘ETA prisoners’ being the clearly dominant one within them.

Due to its specific relevance within the Human Rights framework, it is worth briefly taking a closer look at the use of ‘(Basque) political prisoners’. A qualitative take on the KWIC results sheds the next conclusions: EHB employs it ‘really meaning’ it; the Non-(Basque-)nationalist right refers to it in order to attack its use (seen as part of the ‘conflict discourse’ and as an excuse to get ETA prisoners exonerated from their criminal sentences); and, the high frequency among Catalan nationalists is constituted by false positives (one referring to Catalan politicians in prison due to *el procès* and another the Saharawi Lamin Haddi).

Figure 18: Victims and their framing (3.2.2.2) – frequency per 10,000 words – by ‘political force’
political space (3.1.2)

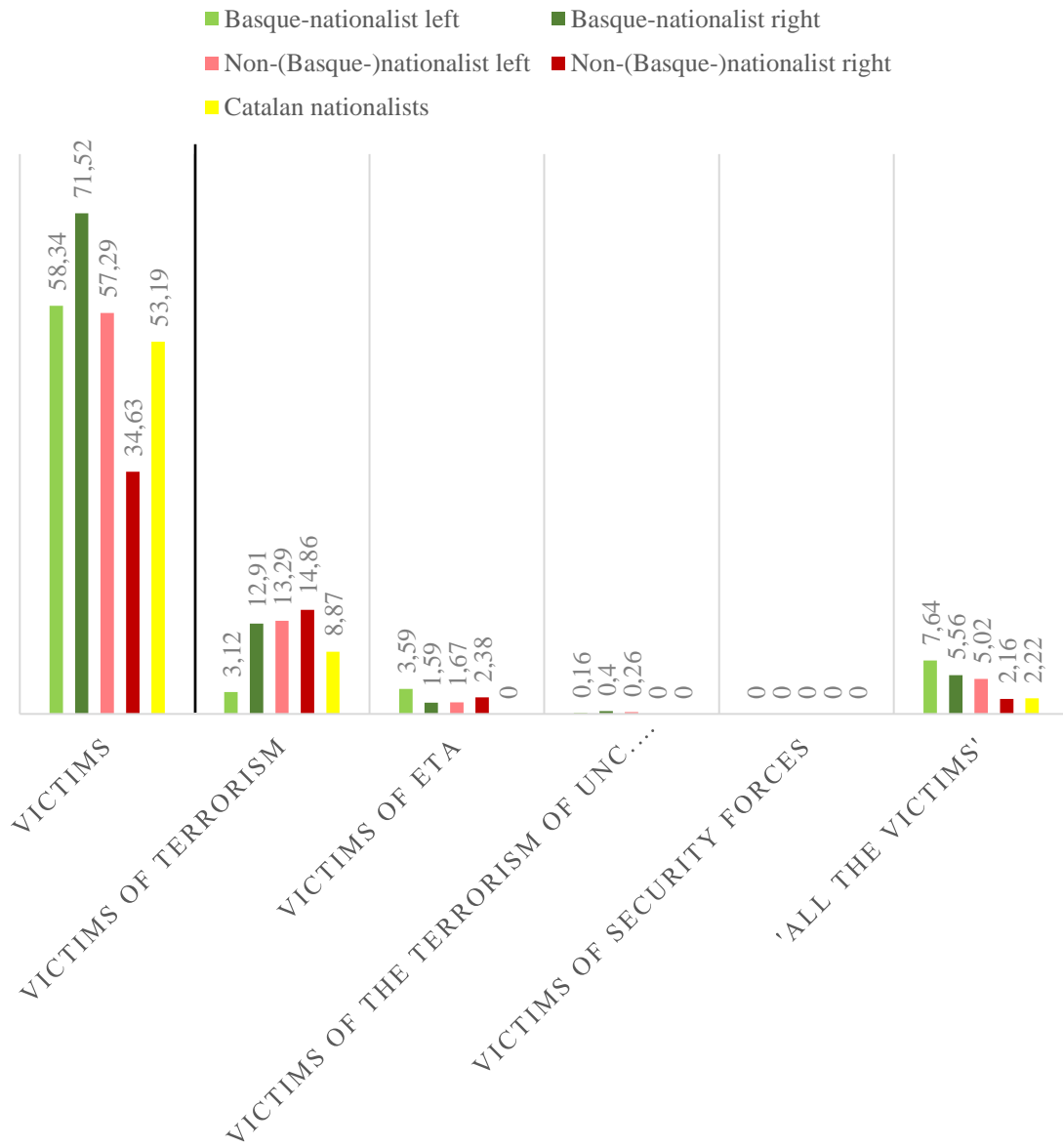
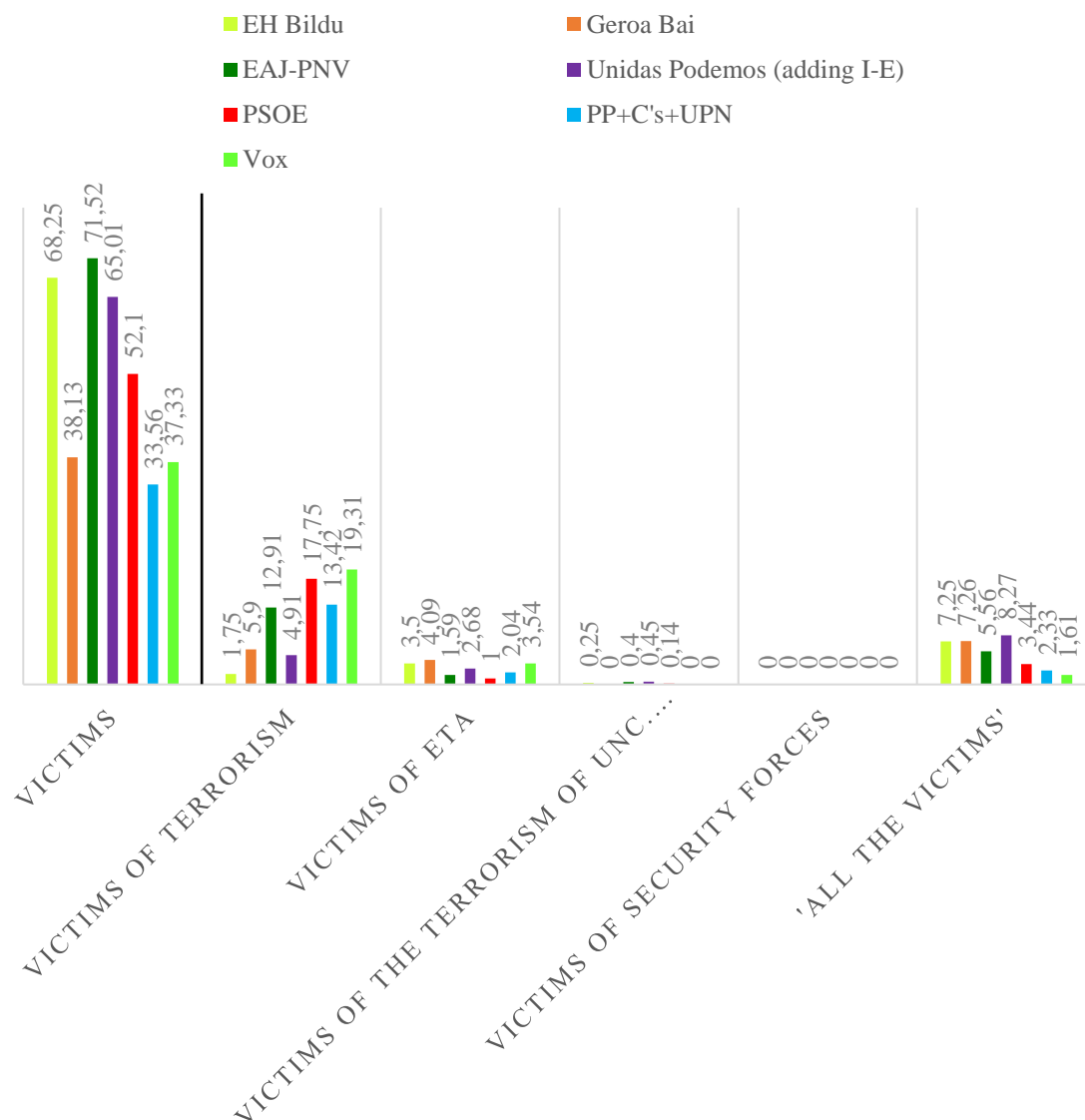


Figure 19: Victims and their framing (3.2.2.2) – frequency per 10,000 words – by ‘political force’ main political parties/coalitions-groupings (3.1.2)



A first appreciation to make on the results for victims (displayed in *Figures 18* and *19*) is the high presence they have in Basque-nationalists. The exception here is GB. Could this be the other side of the coin of its prisoners-heavy environment (considering also its most limited sample)?

Anyway, the non-(Basque-)nationalist left is quite near. Again, UP+I-E is close to Basque-nationalists' frequencies, but, in this case, PSOE is also distant from the non-(Basque-)nationalist right, with a considerably higher 'victims' frequency.

Looking into the specifics now, we should start with the main one overall and for all but EHB, UP+I-E and GB: 'victims of terrorism'. It is unsurprising that it presents results

similar to those of the ‘terrorism’ variable all together. Taking into consideration the total frequency of ‘victims’ for them, the centrality of the notion ‘victims of terrorism’ for the non-(Basque-)nationalist right becomes plain obvious. Especially for Vox. But PSOE is not that far behind. All this seem to link with a terrorism discourse with univocal victims and victimizers, with the main victims’ legal framework and, with debates over appropriate representation and defence of victims of terrorism and their interests.

The other political forces seem to have less frequency as their focus is wider as they including ‘other victims’ more within their talks. Already the middle point that EAJ-PNV represents puts it this way: “our obligation is to commit ourselves unequivocally to the defence of the *victims of terrorism*, of the victims of any kind of violence and human rights violations, to investigation, justice, reparation and truth.” (Parliament. CoD, 2021d).

Towards the other end of the spectrum, focusing on EHB, we see how references to ‘victims of terrorism’ start to be mentioned in a way that loses the focus on victims of ETA’s terrorism bringing to the table ‘other victims’ by/for comparison, and sometimes even, talking about ‘victims of State terrorism’ (a ‘false positive’ for the previously assigned meaning/implications): “victims of the state, *victims of terrorism* or police violence³⁵, are going to be given less protection than other victims” (Parliament. BP, 2018b).

In a way, taking its frequencies into consideration, ‘all the victims’ compares to ‘victims of terrorism’ similarly to how ‘human rights’ related to ‘terrorism’. Just with slight changes, those more prone to refer to ‘victims of terrorism’ have smaller frequencies on ‘all the victims’ and vice versa. This seems to fit the rationale behind the variable, somehow related to recognition of victims beyond those of ETA, and, the reading made on the results just before. Furthermore, taking a look at the KWIC results just radicalizes it, as it shows ‘false positives’ in this sense: almost all of the non-(Basque-)nationalist right mentions to ‘all victims’ are implicitly (most of the times) or explicitly referred to ‘*all victims of terrorism/ETA*’. This kind of mentions become less usual for PSOE, scarce for EAJ-PN, and basically non-existent for the rest.

‘Victims of ETA’ seems to work under another logic. It is used more by the Basque-nationalist left, by the non-(Basque-)nationalist right and, to a bit lesser scale, by UP+I-

³⁵ This also evidences the problem of the false negatives for the few mentions to ‘victims of security forces’.

E. That is, to the ones using the most (with PSOE as exception) and the ones using the least 'victims of terrorism'. A qualitative take on the KWIC results it sheds reveals that in the case of EHB it is brought pretty much exclusively to require same recognition and reparations for victims by other victimizers as the victims of ETA have. In the case of the non-(Basque-)nationalist right they are brought to the table like they do with 'victims of terrorism': to vindicate their rights and dignity and to go against whatever they see as harming those. The case of UP+I-E is built up of three elements: their recognition, illustrating the lack of recognition and redress for other victims, and, denouncing illegitimate use of them mainly by the non-(Basque-)nationalist right (monopolizing them and talking as if they were them). GB is a similar case to that of UP+I-E but putting the most weight of the third element and (in relation to it) some more on the first. All in all, the employment of 'victims of ETA' refers more directly to a social collective of interest. As we said, 'victims of terrorism' also does sometimes, but it relates to the existing legal framework to strongly to have this connotation as clearly predominant.

On a last note, it can be mentioned how, even if really few times, PSOE, EHB, UP+I-E and EAJ-PNV are the only ones to mention 'victims of the terrorism of uncontrolled groups, far-right groups and the GAL' (concretely, as seen based on KWIC, victims of the GAL, the BVE and 'far right groups').

Figure 20: Victory-defeat elements (3.2.3) + friends & enemies (3.2.4) – frequency per 10,000 words – by ‘political force’ political space (3.1.2)

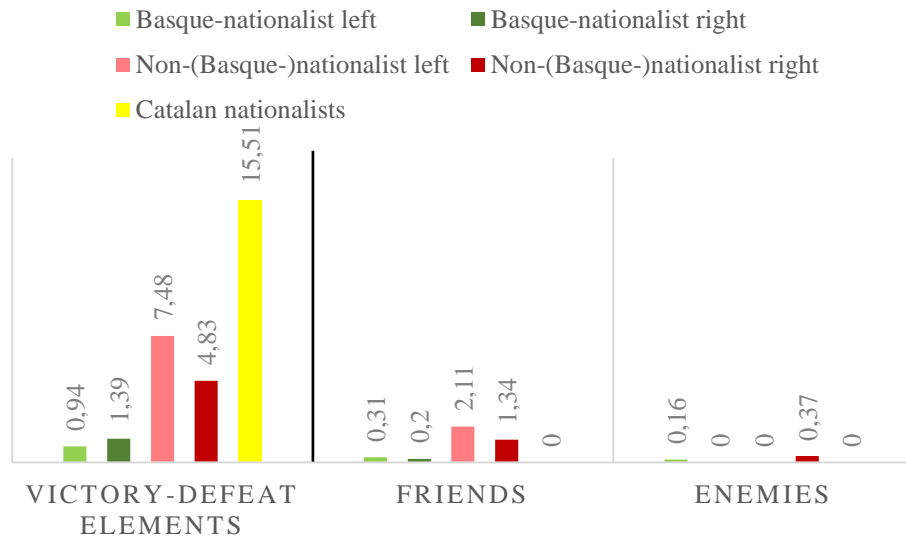
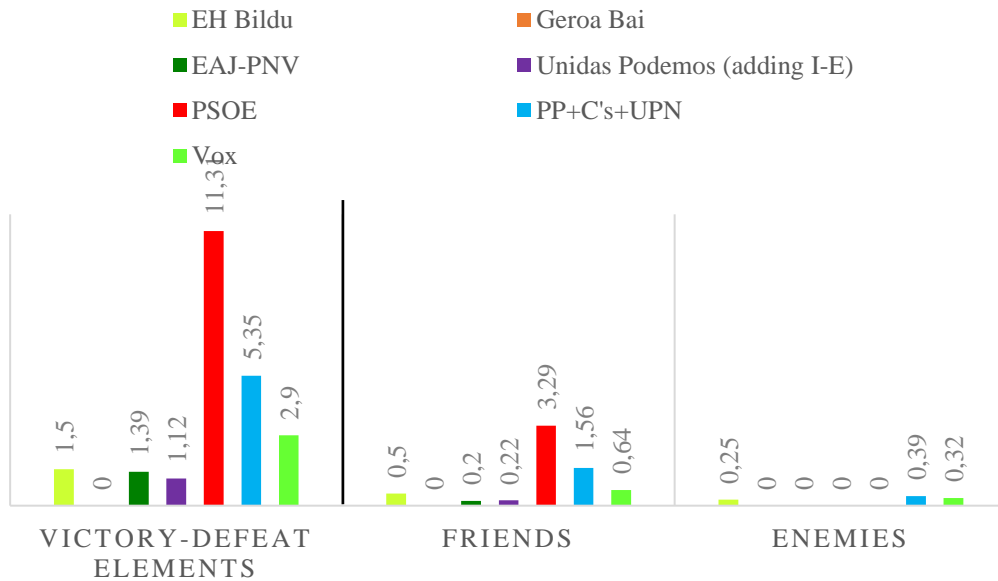


Figure 21: Victory-defeat elements (3.2.3) + friends & enemies (3.2.4) – frequency per 10,000 words – by ‘political force’ main political parties/coalitions-groupings (3.1.2)



Victory-defeat elements (Figures 20 and 21) are frequent for PSOE. The non-(Basque-)nationalist right sector to a lesser scale, but also relays to a considerable extent on this element. PP+UPN+C’s more than VOX. Taking a look into the results provided by the KWIC indexation, it appears that the use is similar: in relation to ETA having been defeated by the society, judiciary, security forces, Rule of Law... So, the margin that sets PSOE apart seems still somehow odd, as both PP+UPN+C’s and Vox present fierce anti-ETA and pro-Constitutional Rule of Law rhetoric. Could it come from an emphasis put

by PSOE on the issue due to it currently holding and having held relevant governmental roles on the issue? Could it link with the existence of an ‘ETA still exists’ element in PP+UPN+Ciudadanos’ and (even more) Vox’s discourses?

Looking qualitatively at the other cases, we find that those of EAJ-PNV, EHB and UP+I-E are on their entirety related to ‘false positives’ derived from alternative uses and expressions with ‘win’, ‘victory’, ‘lose’ or ‘defeat’. Catalan nationalists however do seem to touch the issue, referring to it mostly in a critical manner to too much emphasis on winners and losers, mentioning the 1936-39 Civil War and 70s Transition as counterexamples. For instance: “In 1939 one faction *won* and for forty years we were reminded of the *victory* of the victors over the vanquished. In the Transition there was something called reconciliation and generosity.” (Parliament. CoD, 2019). In any case, it has to be reminded that their notably high relative frequency responds largely to the small sample they present (increased by the false positives).

Moving on to friend-enemy constructions we see PSOE, PP+UPN+C’s, Vox and EHB, as political forces with (even if still small) frequencies that make interesting enough taking a close look at each of these cases.

Again, the uses of PSOE, PP+UPN+C’s and Vox do not seem too apart in this regard, bringing to the forefront the positive value of their condition of ‘democrats’ and (less times) ‘constitutionalists’. It is true however that there is some controversial use to it now and then:

- PSOE: “You are here handing out cards as good *democrats* or bad *democrats*. We have been blamed for our position being pitiful and incomprehensible.” (Parliament. PoN, 2019)
- PP+UPN+C’s: “we, the true *democrats*, the true *constitutionalists*, those of us who truly respect life, must also have more responsibility when it comes to accepting with whom we make pacts” (Parliament. PoN, 2020a)

The difference between these political forces here almost replicates that of the victory-defeat elements. The questions remain, but the possibility of PSOE seeking political support from its governmental role may be stressed: “I ask you to continue to maintain

the unity of all *democrats* so that we can articulate and maintain the memory of the victims.” (Parliament. CoD, 2018b).

The other difference between PSOE and the non-(Basque-)nationalist right is the lack of mentions to ‘enemies’ in the first, against the ‘totalitarian/s’ brought up by PP+UPN+C’s or the one mention to ‘the violent’ by Vox.

EH Bildu is a different case as it presents ‘friends’ and ‘enemies’ in order to go against these categories. The next can be an enlightening quote on this: “I would ask you, finally, to stop trying to reissue the idea of the unity of the *democrats* against *the violent ones*, because fortunately, ten years ago, things began to happen that have led us to a completely different scenario, fortunately” (Parliament. PoN, 2021f). The present peace/(pseudo-)post-conflict scenario would justify rejecting those pro-democratic-system friend-enemy constructions of the ETA-years.

Table 5: Action-guiding principles (3.2.5) – frequency per 10,000 words – by ‘political force’ political space (3.1.2)

	Basque-nationalist left	Basque-nationalist right	Non-(Basque-)nationalist left	Non-(Basque-)nationalist right	Catalan nationalists
TRUTH	21,68	24,83	15,31	14,57	2,22
JUSTICE	19,19	17,28	15,84	13,67	4,43
MEMORY	12,48	22,85	18,48	8,92	2,22
RECOGNITION	18,09	24,83	15,75	6,17	6,65
COEXISTENCE	14,51	11,52	10,47	5,65	0
DEMOCRACY	4,06	3,58	10,65	6,69	11,08
FREEDOM	3,74	8,74	5,9	5,35	2,22
RESPECT	5,46	5,76	5,63	4,38	2,22
DIGNITY	1,25	4,37	3,26	6,99	2,22
RULE OF LAW	0,47	1,59	9,06	2,82	0
PEACE	7,49	2,98	5,1	1,19	8,87
DIALOGUE	1,25	1,19	1,67	0,22	0
EQUALITY	1,56	1,19	0,79	0,74	0
HUMANITY	1,25	1,59	0,53	0,67	0
SOLIDARITY	0,47	1,19	0,97	0,22	0
RECONCILIATION	0,47	0,2	0,7	0,07	11,08
DIVERSITY	0,47	1,19	0,18	0,22	0
PLURALISM	0,31	0,79	0,09	0,07	0
HONESTY	0	0,2	0,18	0	0
CIVISM	0	0	0,09	0,07	0
TOTAL	114,2	135,87	120,65	78,68	53,21

Table 6: Action-guiding principles (3.2.5) – frequency per 10,000 words – by ‘political force’ main political parties/coalitions-groupings (3.1.2)

	EH Bildu	GB	EAJ-PNV	Unidas			
				Podemos (adding I-E)	PSOE	PP+C's+UPN	Vox
TRUTH	23,25	19,52	24,83	22,34	11,02	16,15	9,65
JUSTICE	21	16,34	17,28	29,71	7,16	14,01	12,87
MEMORY	9,5	19,06	22,85	11,84	21,9	7,78	12,23
RECOGNITION	20	11,35	24,83	17,43	16,03	6,71	4,18
COEXISTENCE	12,75	19,06	11,52	5,81	13,03	6,03	4,5
DEMOCRACY	1,75	8,62	3,58	9,38	11,31	7,2	5,15
FREEDOM	2,75	5,9	8,74	3,13	7,44	5,16	5,79
RESPECT	4,25	8,17	5,76	2,9	6,3	4,09	5,47
DIGNITY	1	1,82	4,37	1,56	4,29	6,81	7,4
RULE OF LAW	0	1,36	1,59	6,26	10,74	3,4	0,97
PEACE	7,75	7,72	2,98	7,82	2,86	1,36	0,64
DIALOGUE	0,5	2,72	1,19	1,34	1,72	0,29	0
EQUALITY	1,5	1,82	1,19	1,12	0,57	0,88	0,32
HUMANITY	1,25	1,36	1,59	1,34	0	0,68	0,64
SOLIDARITY	0,25	0,91	1,19	1,12	0,57	0,19	0,32
RECONCILIATION	0,75	0	0,2	1,56	0,14	0	0,32
DIVERSITY	0	1,36	1,19	0	0,29	0	0,97
PLURALISM	0	0,91	0,79	0	0,14	0	0,32
HONESTY	0	0	0,2	0,22	0,14	0	0
CIVISM	0	0	0	0	0,14	0,1	0
TOTAL	108,25	128	135,87	124,88	115,79	80,84	71,74

These two previous tables (*Tables 5 and 6*) allow for many comparisons and focusing on interesting subtleties. Here we will only be able to focus on a few elements.

Overall, it is to mention how the non-(Basque-)nationalist right presents substantially less action-guiding principles in their parliamentary talks. Beyond that, it also presents considerably lower values for ‘recognition’, ‘dialogue’ and ‘coexistence’ (although UP+I-E also presents lower values on this) and higher for ‘dignity’. In all these cases Vox presents more extreme values than PP+UPN+C’s. All in all, with some different results, but their talks feature ‘truth’, ‘justice’ and ‘memory’ most.

PSOE presents a ‘discourse’ that has ‘memory’, ‘recognition’ and ‘coexistence’ as its three main principles. Two lesser ones, shared within the non-(Basque-)nationalist left (even if stronger in PSOE) underpin it: ‘democracy’ and ‘Rule of Law’. The counterpart is set by the notably low values for ‘truth’ and ‘justice’.

UP+I-E, despite pretty much sharing ‘democracy’ and ‘Rule of Law’ with PSOE, presents substantial differences. Starting with the three major principles for the full sample: ‘justice’ and ‘truth’ are UP+I-E’s two biggest principles but it presents low frequency for ‘memory’. Furthermore, it presents a particularly low value for ‘coexistence’ (at non-(Basque-)nationalist’s levels) and high for peace (aligned with the Basque-nationalist left).

EAJ-PNV, and the Basque-nationalist right that it alone represents here, is the political force that most resorts to the mention of action-guiding principles, having ‘truth’, ‘recognition’ and ‘memory’ as its clear top-3. The other of the general top-4 lays behind but still completes EAJ-PNV’s as well. For many/most of the other principles EAJ-PNV represents a middle-point. Notable exceptions to this are the highest value that sets for ‘freedom’ or the quite low one for ‘democracy’ (second only to EHB).

The Basque-nationalist left presents a few internal commonalities. It displays the highest values for ‘peace’ (along UP+I-E) and ‘equality’. Its frequencies for ‘dignity’ and ‘Rule of Law’ are also low, but it is EHB concretely which excels in this regard with its extremely low results. They also share ‘truth’ as the most mentioned principle. A bit less relevant in the case of GB, but ‘justice’ is also important for both (2nd overall). The Basque-nationalist left is the political space with the highest value for ‘coexistence’. This is especially notable for GB (and could also be linked to its PoN context), but EHB’s is still relatively high.

However, there are relevant differences to mention: EHB has a really low value (non-(Basque-)nationalist right level) on ‘memory’ while GB has a pretty high one, and, conversely, GB presents a quite low level for ‘recognition’ in contrast with EHB’s quite high one. On notable particularities for each GB displays the highest result for ‘respect’. In the case of EHB it is worth mentioning the significantly low values for ‘democracy’, ‘freedom’, ‘dialogue’ (almost at non-(Basque-)nationalist right values), and the already mentioned ‘dignity’ and ‘Rule of Law’. It should also be mentioned how overall it does not present a high value for the total reference to action-guiding principles, especially comparing with those political forces that have been shedding more affine results (GB, UP+I-E and to a lesser extent EAJ-PNV).

D) When addressing each topic

Figure 22: Notions/frames for the ETA-years (frequency per 10,000 words) – by context-specific thematic categorization 1 (3.1.3.1)

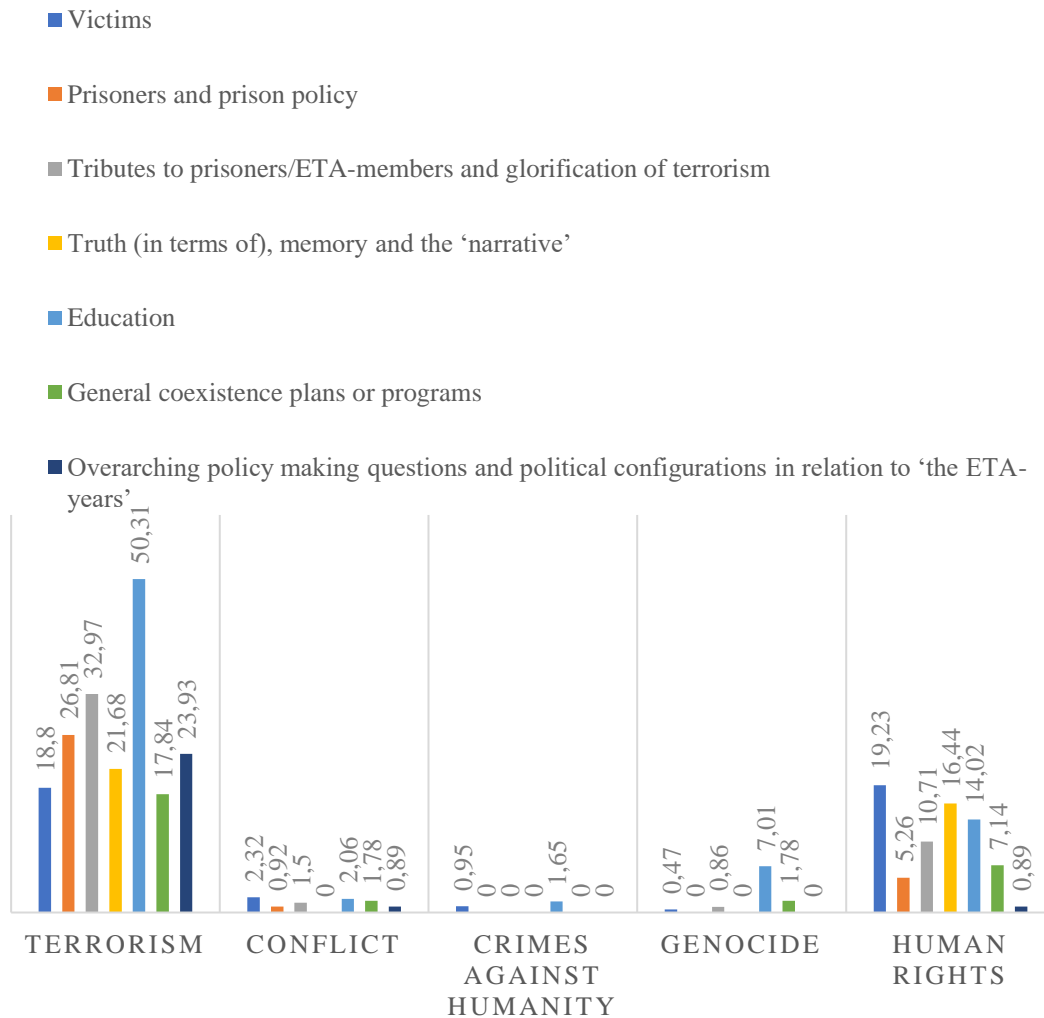


Figure 23: Notions/frames for the ETA-years (frequency per 10,000 words) – by context-specific thematic categorization 2 – victims' subcategories (3.1.3.1)

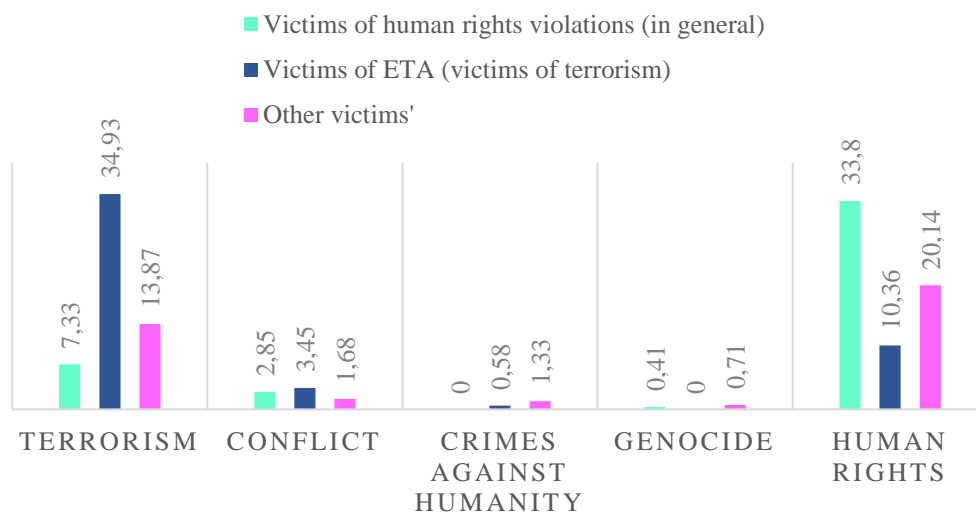


Figure 24: Notions/frames for the ETA-years (frequency per 10,000 words) – by TJ thematic categorization (3.1.3.2)

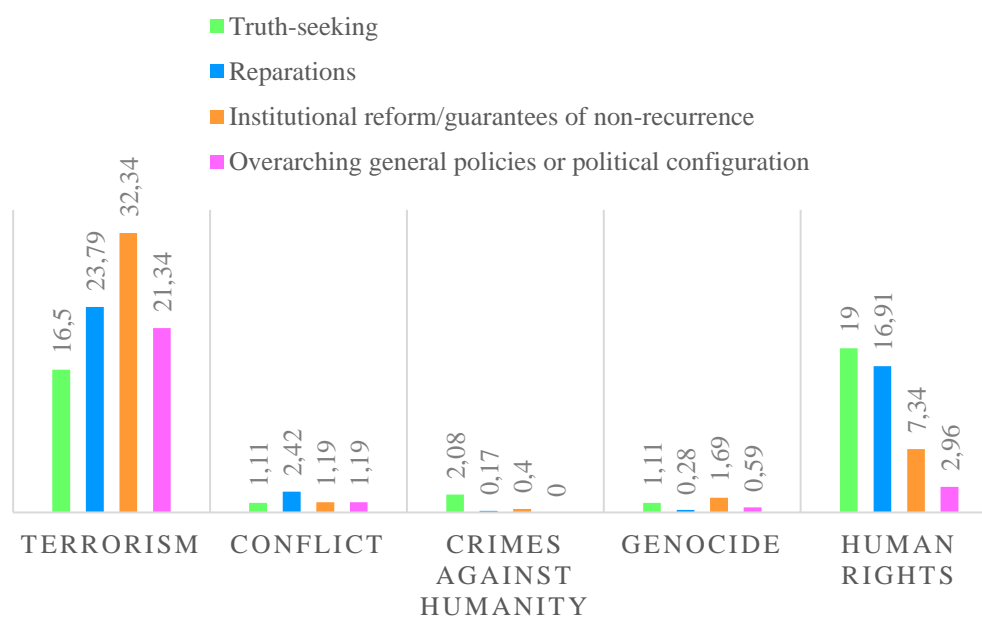


Figure 25: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by context-specific thematic categorization 1 (3.1.3.1) – 1st part

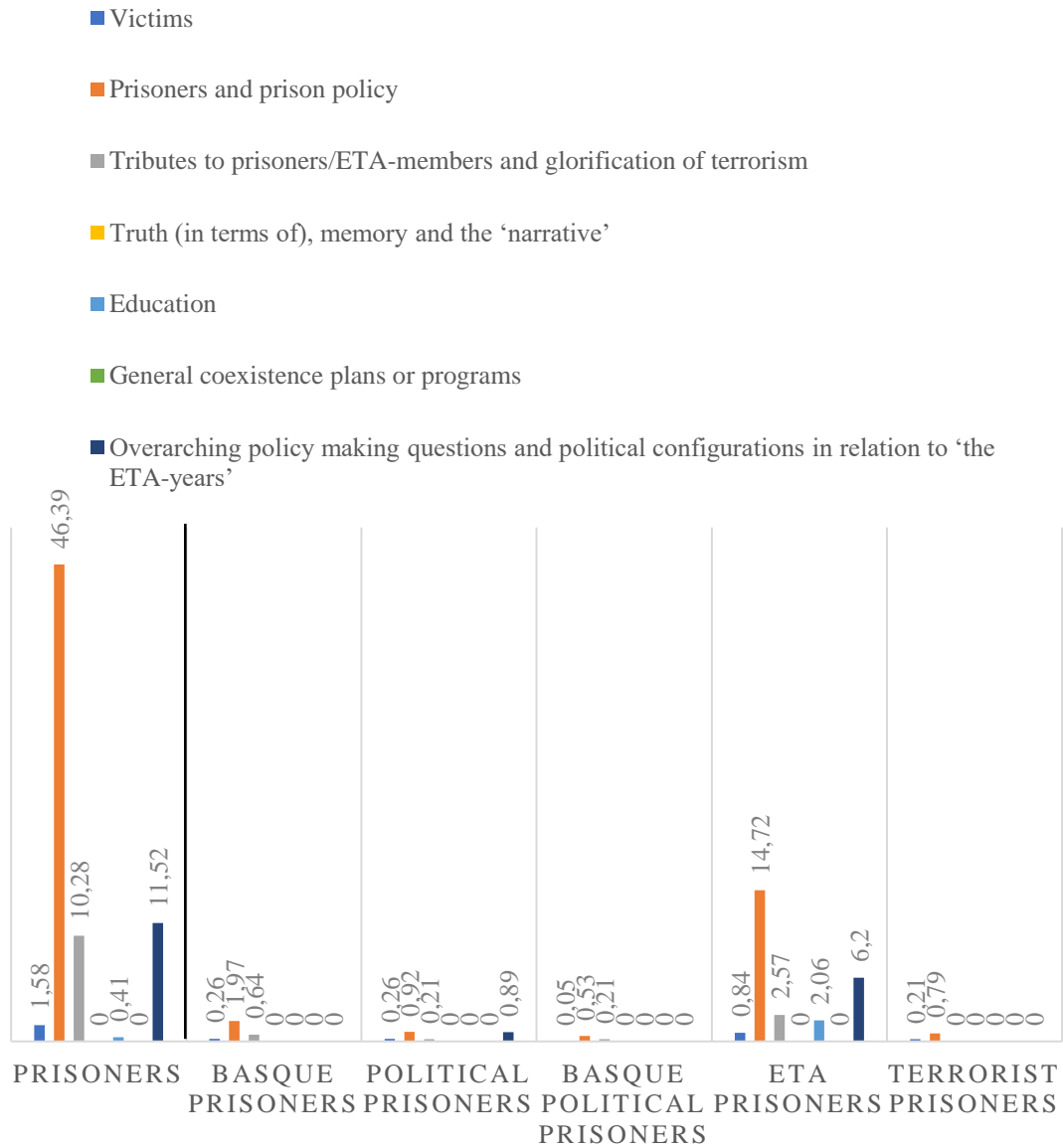


Figure 26: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by context-specific thematic categorization 1 (3.1.3.1) – 2nd part

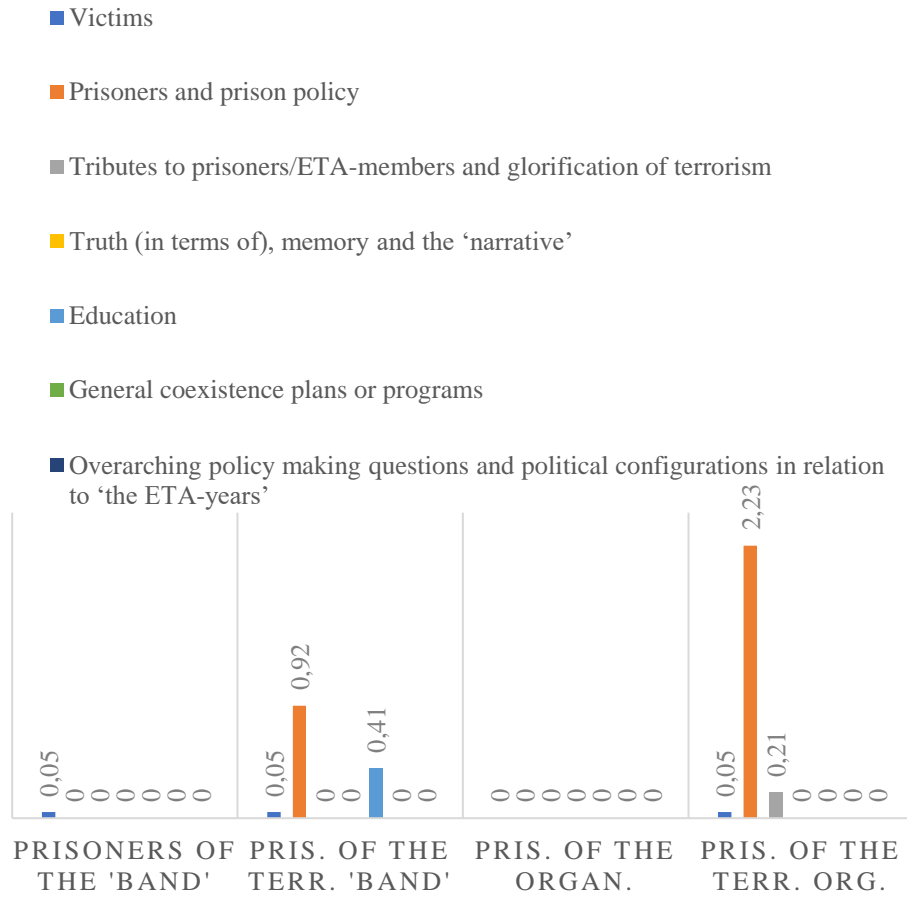


Figure 27: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by context-specific thematic categorization 2 – victims' subcategories (3.1.3.1) – 1st part

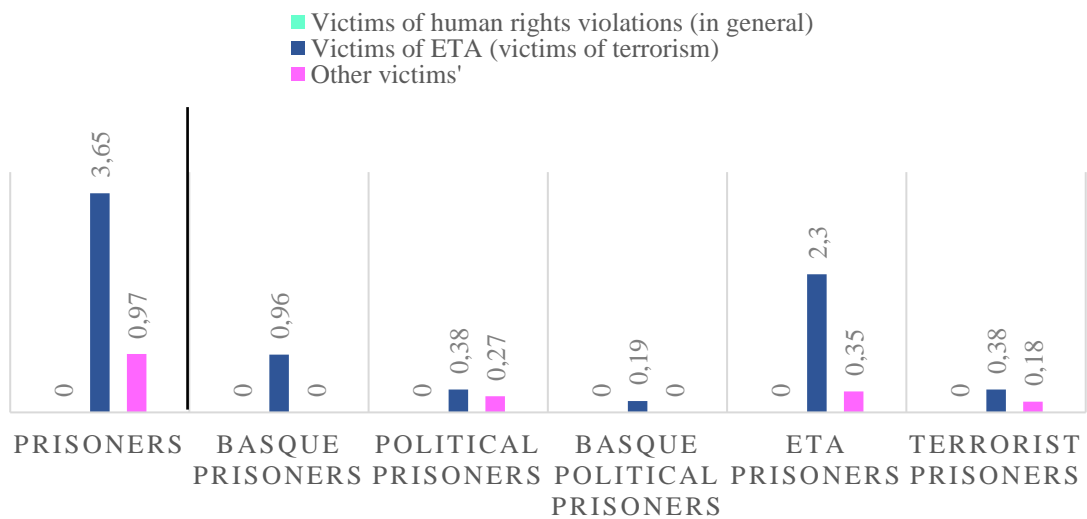


Figure 28: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by context-specific thematic categorization 2 – victims' subcategories (3.1.3.1) – 2nd part

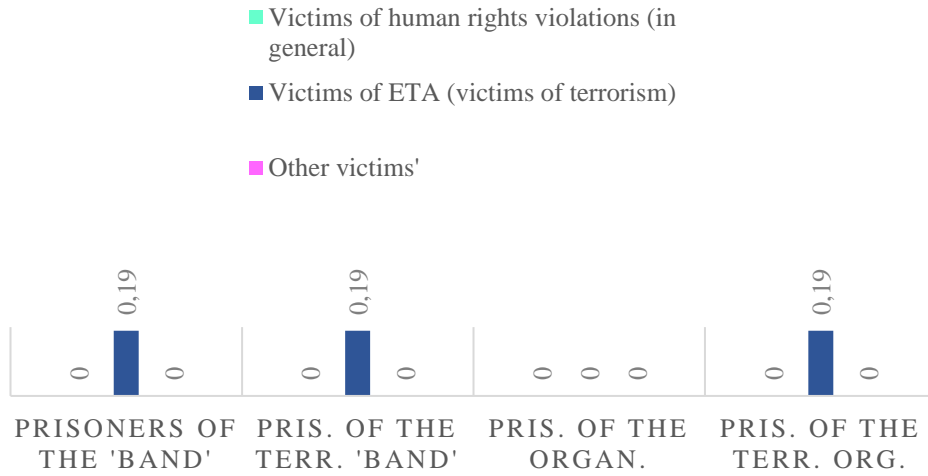


Figure 29: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by TJ thematic categorization (3.1.3.2) – 1st part

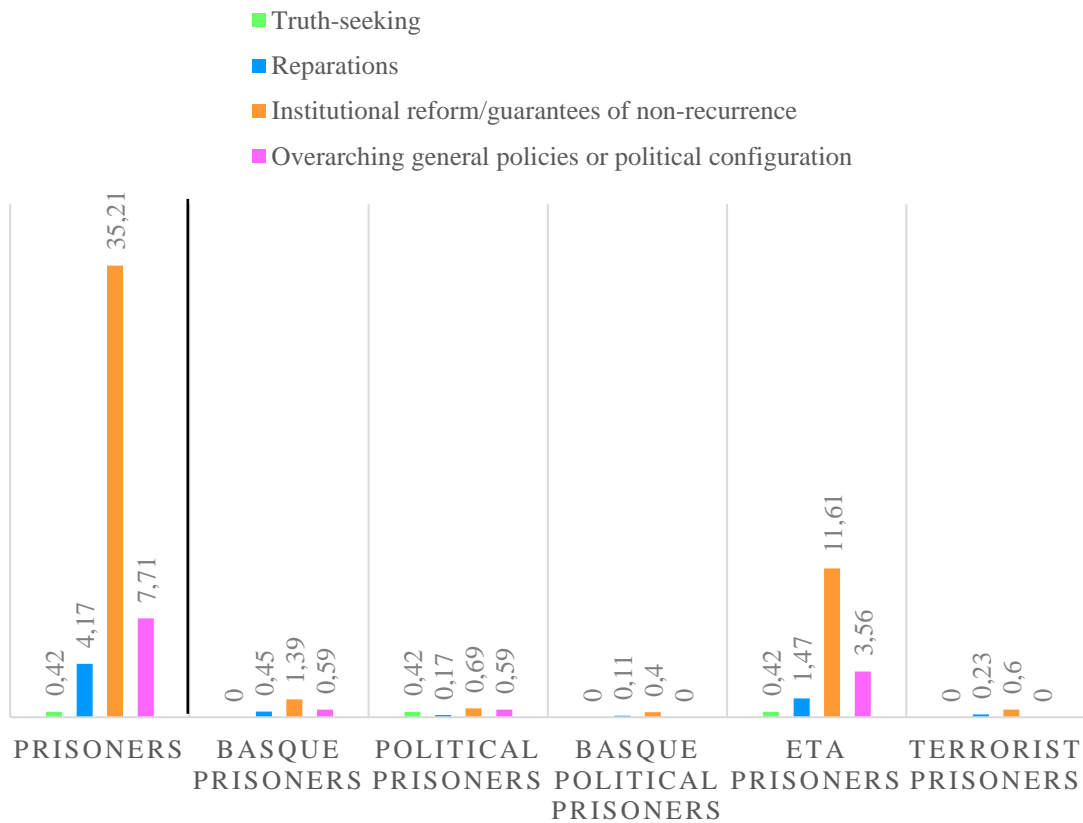


Figure 30: Prisoners and their framing (3.2.2.1) – frequency per 10,000 words – by TJ thematic categorization (3.1.3.2) – 2nd part

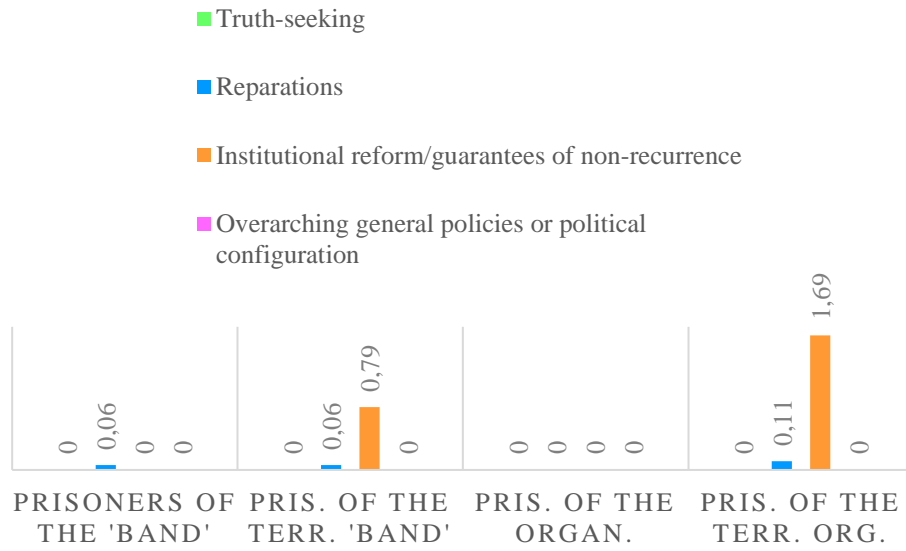


Figure 31: Victims and their framing (3.2.2.2) – frequency per 10,000 words – by context-specific thematic categorization 1 (3.1.3.1)

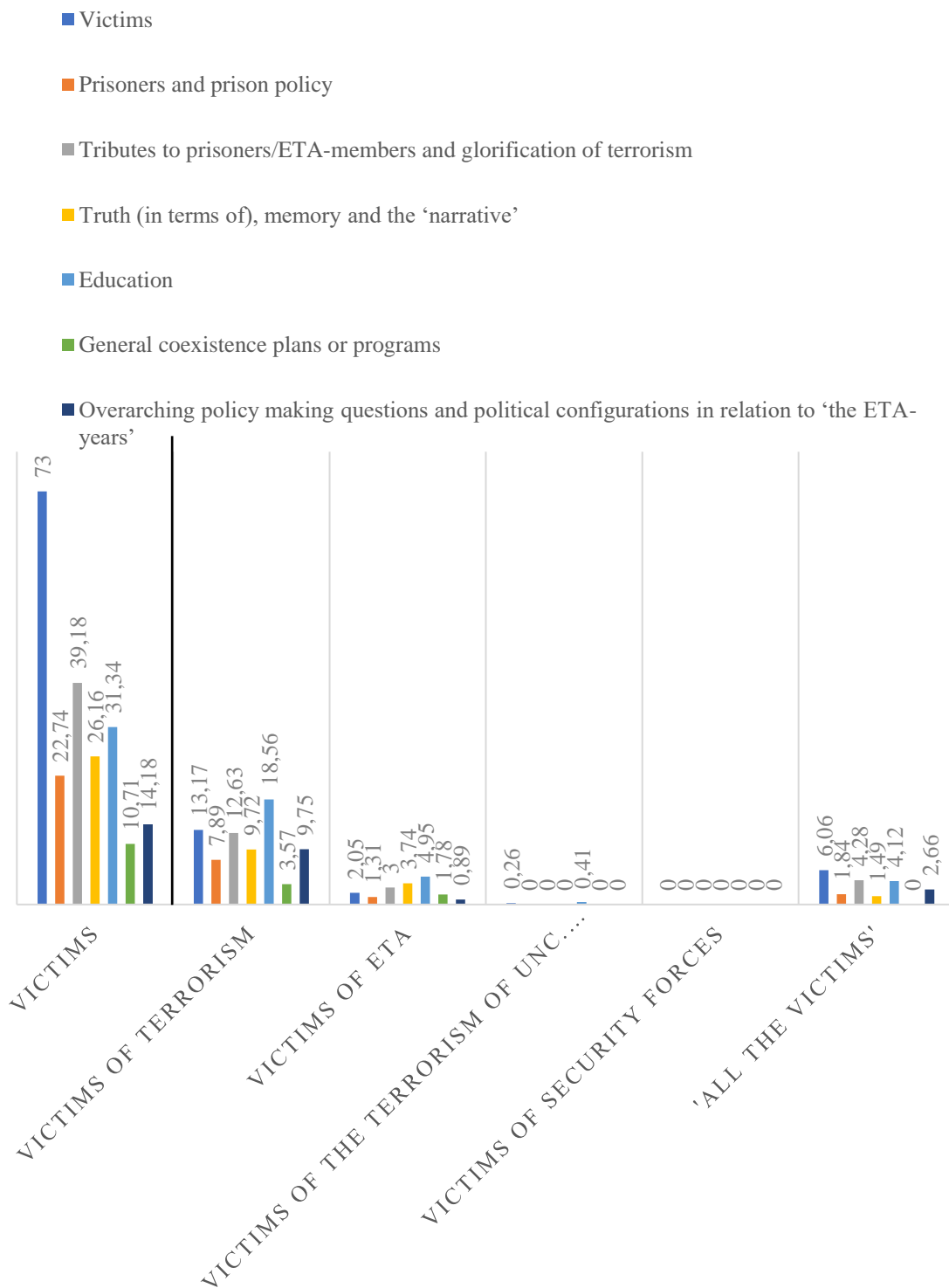


Figure 32: Victims and their framing (3.2.2.2) – frequency per 10,000 words – by context-specific thematic categorization 2 – victims' subcategories (3.1.3.1)

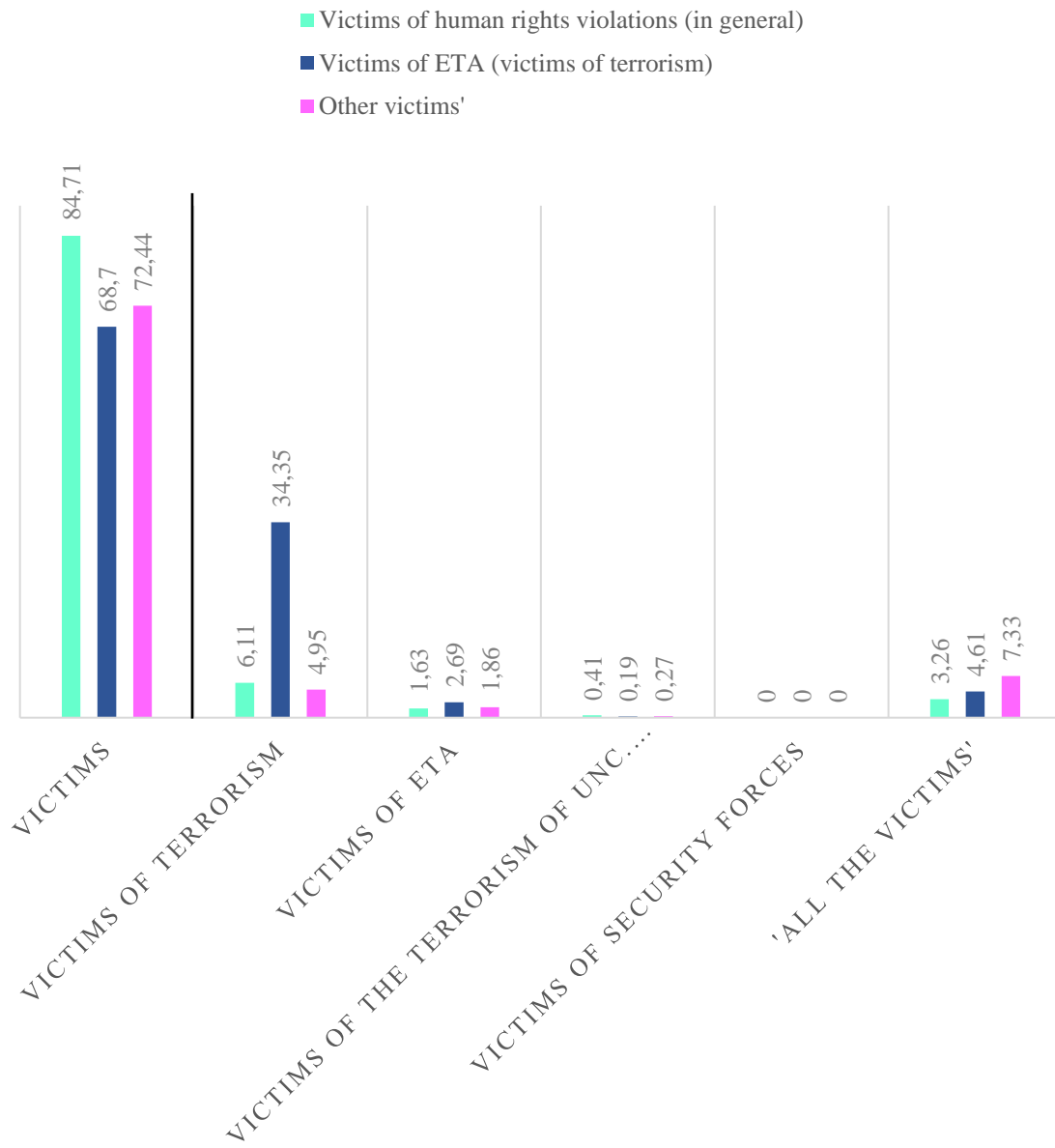


Figure 33: Victims and their framing (3.2.2.2) – frequency per 10,000 words – by TJ thematic categorization (3.1.3.2)

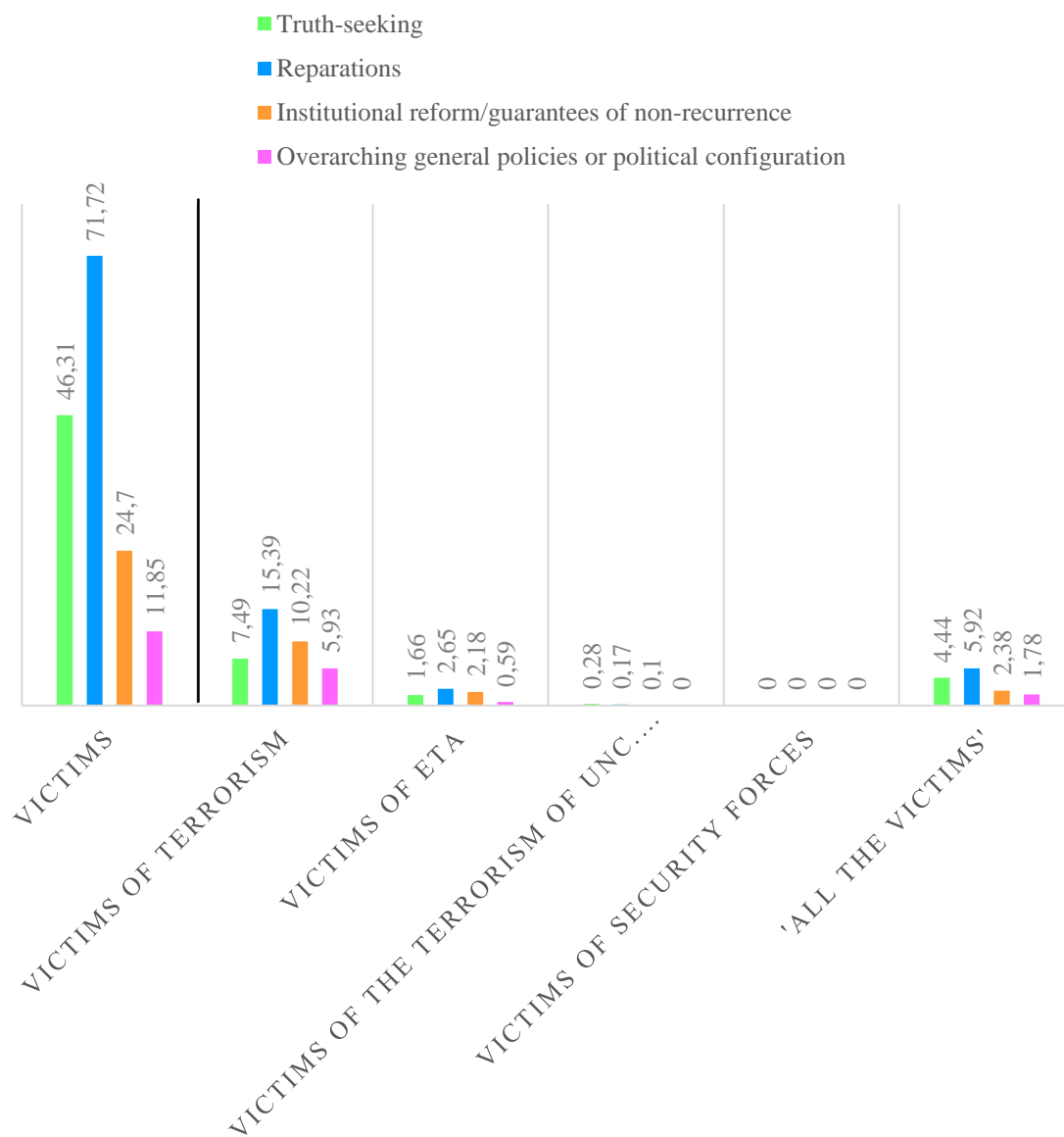


Figure 34: Victory-defeat elements (3.2.3) + friends & enemies (3.2.4) – frequency per 10,000 words – by context-specific thematic categorization 1 (3.1.3.1)

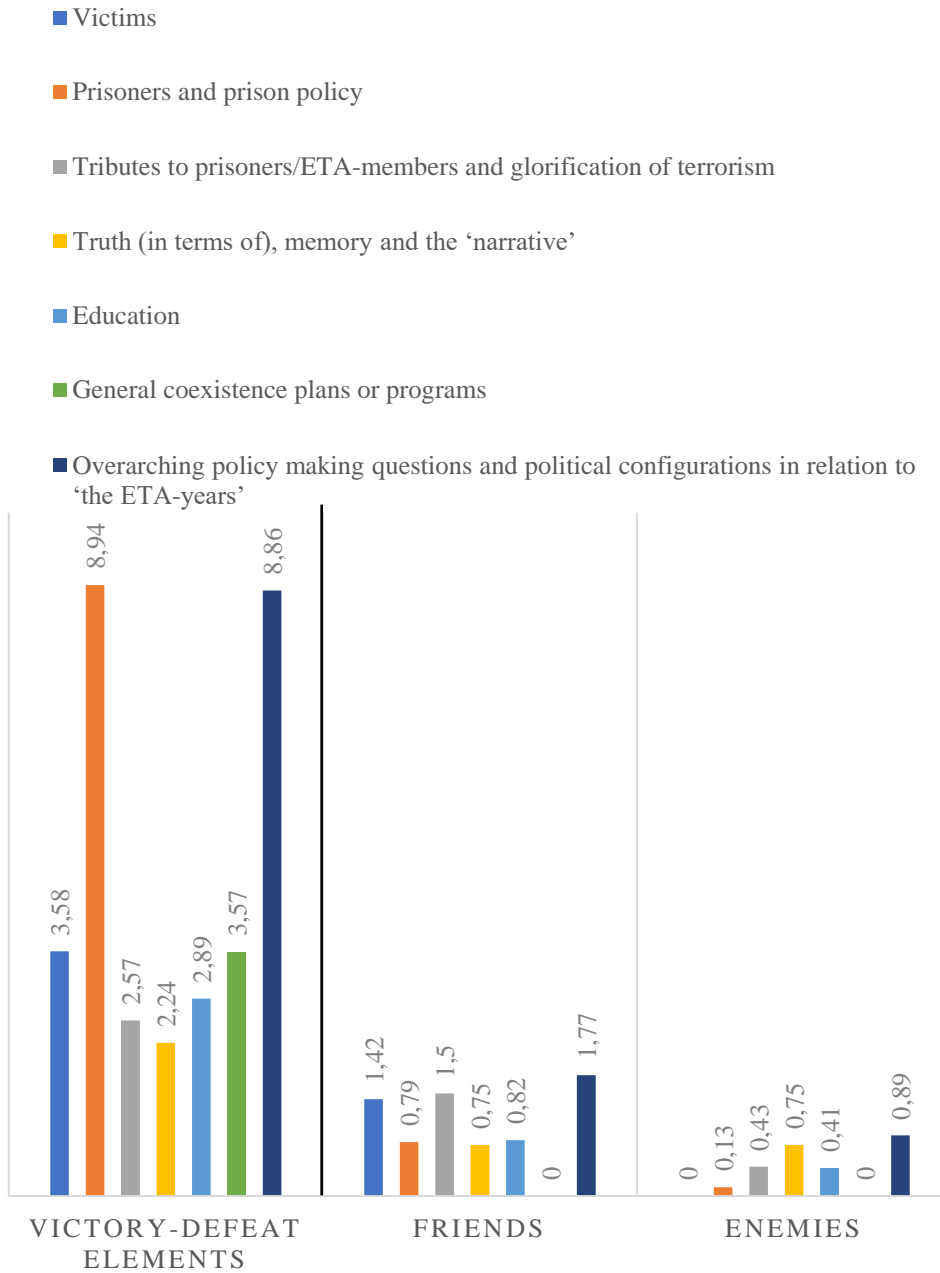


Figure 35: Victory-defeat elements (3.2.3) + friends & enemies (3.2.4) – frequency per 10,000 words – by context-specific thematic categorization 2 – victims' subcategories (3.1.3.1)

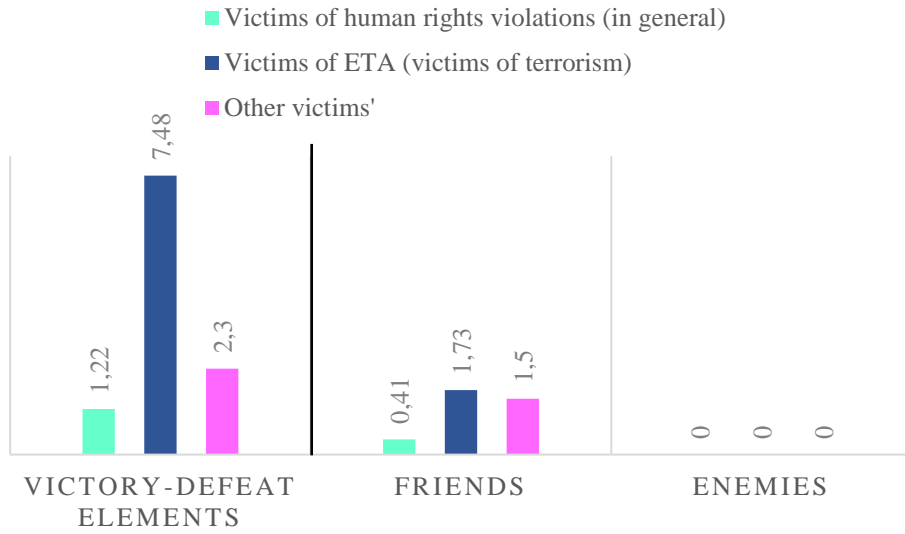


Figure 36: Victory-defeat elements (3.2.3) + friends & enemies (3.2.4) – frequency per 10,000 words – by TJ thematic categorization (3.1.3.2)

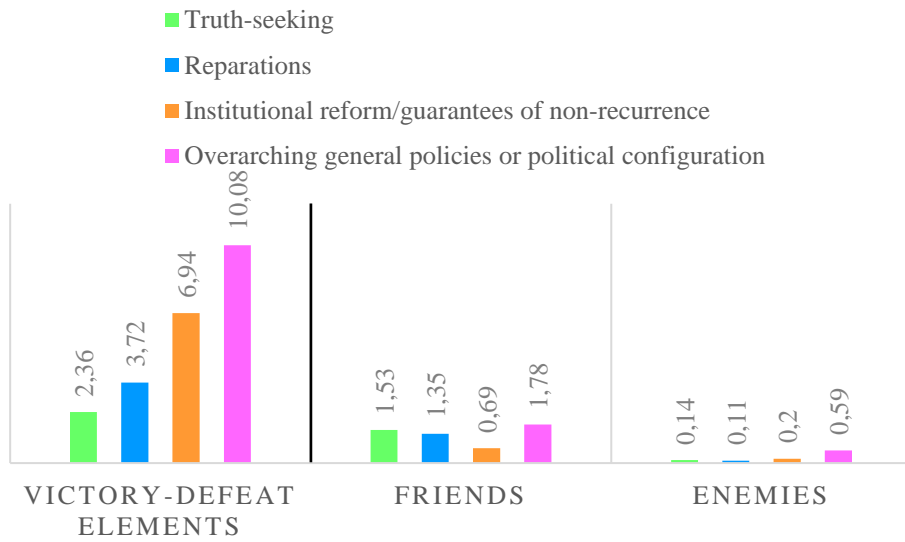


Table 7: Action-guiding principles (3.2.5) – frequency per 10,000 words by context-specific thematic categorization 1 (3.1.3.1)

	Victims	Prisoners and prison policy	Tributes to prisoners/ETA-members and glorification of terrorism	Truth (in terms of), memory and the ‘narrative’	Education	General coexistence plans or programs	Overarching policy making questions and political configurations in relation to the ETA-years
TRUTH	22,07	10,78	11,56	17,19	8,25	19,63	23,04
JUSTICE	22,39	10,65	6,64	11,21	5,77	5,35	6,2
MEMORY	17,49	6,97	10,06	20,93	21,03	14,28	6,2
RECOGNITION	21,23	2,76	9,21	8,97	8,66	3,57	3,54
COEXISTENCE	6,79	4,73	15,42	2,99	14,84	115,99	3,54
DEMOCRACY	7,53	3,15	7,49	20,93	4,95	12,49	9,75
FREEDOM	4,79	5,91	8,99	6,73	4,95	7,14	4,43
RESPECT	3,63	6,31	6,85	2,99	7,83	17,84	5,32
DIGNITY	4,21	5,52	4,71	1,49	3,3	1,78	6,2
RULE OF LAW	5,74	3,02	1,5	3,74	2,06	1,78	1,77
PEACE	3,27	2,5	4,07	2,99	8,66	14,28	7,09
DIALOGUE	0,47	1,45	0,21	0	2,89	7,14	3,54
EQUALITY	1,21	0,79	0	0	2,06	1,78	0
HUMANITY	0,95	1,18	0,21	0,75	0,82	0	0
SOLIDARITY	0,58	0,13	0,64	0	2,47	3,57	0
RECONCILIATION	0,42	0,92	0,64	0	0	0	0
DIVERSITY	0,21	0,13	0,64	0	0,41	7,14	0,89
PLURALISM	0,11	0,13	0,21	0,75	0,82	0	0,89
HONESTY	0,05	0	0,21	0	0	1,78	0
CIVISM	0,05	0	0	0	0,41	0	0
TOTAL	123,19	67,03	89,26	101,66	100,18	235,54	82,4

Table 8: Action-guiding principles (3.2.5) – frequency per 10,000 words – by context-specific thematic categorization 2 – victims' subcategories (3.1.3.1)

	Victims of human rights violations (in general)	Victims of ETA (victims of terrorism)	'Other victims'
TRUTH	16,7	15,54	26,24
JUSTICE	12,22	14,97	28,01
MEMORY	5,29	20,34	18,82
RECOGNITION	30,54	16,5	21,38
COEXISTENCE	2,44	12,09	5,3
DEMOCRACY	5,29	6,14	8,66
FREEDOM	2,85	7,68	3,89
RESPECT	1,63	5,18	3,36
DIGNITY	1,63	7,68	3,18
RULE OF LAW	8,14	4,03	6,01
PEACE	0,81	5,37	2,83
DIALOGUE	0	1,54	0,09
EQUALITY	2,44	1,34	0,88
HUMANITY	0	0,58	1,33
SOLIDARITY	0,41	0,96	0,44
RECONCILIATION	0,81	0,58	0,27
DIVERSITY	0	0,19	0,27
PLURALISM	0	0	0,18
HONESTY	0	0	0,09
CIVISM	0	0	0,09
TOTAL	91,2	120,71	131,32

Table 9: Action-guiding principles (3.2.5) – frequency per 10,000 words – by TJ thematic categorization (3.1.3.2)

	Truth-seeking	Reparations	Institutional reform/guarantees of non-recurrence	Overarching general policies or political configuration
TRUTH	26,48	17,31	10,12	20,74
JUSTICE	23,02	17,2	9,42	5,93
MEMORY	17,33	15,96	10,32	8,3
RECOGNITION	16,08	19,34	4,17	2,96
COEXISTENCE	4,3	9,75	7,24	40,9
DEMOCRACY	10,82	7,22	3,47	11,26
FREEDOM	4,3	6,26	5,65	5,33
RESPECT	3,33	4,62	6,75	8,3
DIGNITY	1,8	5,13	4,76	5,93
RULE OF LAW	7,35	3,83	2,48	3,56
PEACE	2,63	3,78	3,97	8,89
DIALOGUE	0,42	0,45	1,79	4,15
EQUALITY	0,14	1,24	1,09	0,59
HUMANITY	2,22	0,23	1,09	0
SOLIDARITY	0,42	0,62	0,69	1,19
RECONCILIATION	0,28	0,51	0,69	0
DIVERSITY	0,14	0,34	0,2	2,96
PLURALISM	0,14	0,17	0,3	0,59
HONESTY	0,14	0,06	0	0,59
CIVISM	0,14	0	0,1	0
TOTAL	121,48	114,02	74,3	132,17

Having the results displayed, we will overview them by giving brief synthetical accounts for the different themes.

First, ‘victims’. The category under ‘context-specific thematic categorization 1’, but also including and contrasting (with) the specifics of ‘context-specific thematic categorization 2’. ‘Victims’ presents a notably low result for ‘terrorism’, surpassed by ‘human rights’, which it leads (*Figure 22*). ‘Conflict’ is quite strongly featured, and there are some

mentions to crimes under ICL. Looking into victims' subcategories (*Figure 23*) we see how this is constructed more precisely, seeing how each category tends to have, as expected, higher frequencies on related terms: 'victims of ETA (victims of terrorism)' 'terrorism'; 'victims of human rights' 'human rights' (and 'other victims' in between). Mentions to crimes under ICL are more frequent for 'other victims', strengthening the previously mentioned consideration that they may be more related to talks on crimes of the Franco regime. Another thing to note is how 'victims of ETA' is strongest in 'terrorism', but also 'conflict', probably stressing the anti-conflict narrative mentions of 'conflict', and, all in all, how the adherence to the narratives in parliamentary sessions does not seem to play explicitly by the usage of the concepts.

For 'prisoners' (*Figures 25 and 26*) we have to outline the notable presence of it and of its specific framings. Looking into *Figures 27 and 28*, it can be seen how it is mostly for victims of ETA (victims of terrorism)' category, but there is some of 'other victims' as well. A quick overview of the KWIC results suggest that, in what comes to 'victims of ETA', the presence of 'prisoners' within the talks comes mostly as critique of the political arrangements, because favouring prisoners would come as damaging the victims and there would be some political parties guilty on that. In what comes to 'other victims' it is mainly to illustrate a lack of justice for them that translates into the absence of prisoners for the respective crimes, or, certain prisoners having been victims (of tortures for instance). All in all, 'prisoners' seems intertwined with considerations on victims and good/wrong-doing for them (the victims), both for present and future actions taken or to take as for others occurred in the past.

'Victims' presents pretty low results on 'victory-defeat' elements (*Figure 34*). This seems to make sense as 'victims' with their rights are so regardless of the outcome of the fight against ETA. Or prior to the outcome (*Figure 35*), with legal reparations frameworks since 1999. However, 'victims of ETA' does have a higher result on it, maybe as a result of the link with the anti-terrorist/ETA discourse. On 'friends', 'victims' overall displays a high result, but 'other victims' does so more clearly linking, seemingly, with that 'claim side' of bringing 'friend' categories to the forefront.

In what comes to 'action-guiding' principles, it is to highlight first the high total frequency (*Table 7*). The general top-4 is quite clearly marked, with 'memory' lagging a bit behind. But there are notable internal differences (*Table 8*). 'Victims of human rights violations' presents an overall lower frequency of buildings with 'recognition' standing alone as first.

‘Memory’ is the main one in the case of ‘victims of ETA’, and, ‘justice’ and ‘truth’ for ‘other victims’. Could this relate to different stages on the treatment of these victims? For ‘victims of human rights violations’ their victimhood in itself or within the human rights framework (as the anti-terrorist framework is prevalent) would still have to be recognized and then act accordingly (as it could be the case for victims of torture). For ‘other victims’ the problem would lay on making ‘justice’ and ‘truth’ (their right as well as society’s) – as it could be the case with (some) victims of GAL for whom there is little doubt that were victimized by a terrorist group by ‘justice’ and ‘truth’ are not completely fulfilled. For ‘victims of ETA’, being the most clearly recognized victims and with their rights (with its flaws) best fulfilled, memory would be in the horizon for these post-ETA years. Of course, this is nothing more than a tentative and suggestive proposal that would need much more consideration, including of internal nuances that may appear as problematic for this brief drawing.

Moving on to the category on ‘prisoners’ we may note firstly the medium/medium-high relevance of the ‘terrorism’ framework elements and the low one of ‘human rights’ (*Figure 22*). On prisoners’ variables (*Figures 25 and 26*), this more precise approximation ratifies the main frames: 1st, clearly, ETA prisoners; 2nd prisoners of the terrorist organization and 3rd Basque prisoners (maintaining them in the top-3 but inverting the order of these last two). *Figure 31* presents the other side of the previously mentioned ‘connection’ between the victims’ and prisoners’ issues. There is not much to highlight anyway as the frames’ frequencies are quite standard. *Figure 34* shows significant results putting this ‘prisoners’ category first in what comes to ‘victory-defeat elements’. With a non-exhaustive analysis of the KWIC, we see some interesting relation to the ‘post-victory over ETA’ that would not require policies of dispersion, or, to the role of penitentiary policymaking on the defeat of ETA, and ‘defeating’ now the situation with the unsolved cases. As there are no noteworthy results on friend-enemy variables, just *Table 7* on ‘action-guiding principles’ is left, where this category has the lowest total relative frequency of principles. Anyway, ‘truth’ and ‘justice’ are the main ones. Going into some qualitative approach, ‘truth’, in the cases it relates directly, has most to do with truth for victims, most notably due to the cases of non-collaboration of prisoners in solving cases and debates on how that should affect penitentiary politics. ‘Justice’ presents some relation to these issues, but also as penal justice and as restorative justice

(as there have been ‘restorative encounters’ featuring imprisoned victimizers and victims).

For ‘tributes to prisoners/ETA-members and glorification of terrorism’. *Figure 22* presents a prominent result of ‘terrorism’ that comes as coherent with the legal but also moral-political frameworks of glorification of terrorism and how ETA-years’ terrorism is treated. Results for ‘human rights’ and ‘conflict’ correspond to medium-sized frequencies. Looking into *Figures 25* and *26*, we see a strong featuring of ‘prisoners’, which, on the other hand, should be expected because they are in some cases the ones recipients of such tributes. ‘ETA prisoners’ and ‘prisoners of the terrorist organization’ are the main frames, making explicit the ETA and terrorism component. On *Figure 31* we see how this category presents the strongest featuring of ‘victims’ after ‘victims’ category itself, reinforcing the notion of a category in between the prisoners’ and victims’ topics as built *a priori*. The value it exhibits in ‘victory-defeat elements’ is quite low (*Figure 34*). Does maybe this presence of terrorism in a ‘glorification-way’ (that is harmful for the victims) blur clear victory-defeat conceptions? The quite strong featuring of ‘friends-enemies’ makes sense as the topic interplays with democratic coexistence and against-violence elements. As far as principles go (*Table 7*) ‘coexistence’ appears as the main one. Which seems fully coherent as it is an issue that hampers getting passed the ETA-years and the terrorism within them. The secondary ones are all relatable to this idea: truth, memory, recognition, freedom, democracy.

The thematic categorization of ‘truth (in terms of), memory and the ‘narrative’’ in its results in *Figure 22* shows similar results for ‘terrorism’ and ‘human rights’. Comparing with the case of ‘victims’ category (where ‘human rights’ surpassed ‘terrorism’) may point to the fact that truth in some cases of terrorism is still pending, while the recognition of victimhood in terrorism cases is (mostly) not. The next noteworthy result for the category is on *Figure 34* where it presents the highest value for ‘victory-defeat’ elements. This might suggest that the battle for the narrative is not really central at least when obviously addressing issues of truth (because the wider discursive ‘battle’ is undeniable). In what comes to the principles (*Table 7*), ‘democracy’, ‘memory’ and ‘truth’ are clearly the main ones. ‘Truth’ may present too low results for the nature of the category, but these principles still seem coherent: memory seems to link with the transition in consolidated democracy features, and, democracy, with this context-structure, but also as a central category in opposition to terrorism but also, presumably, State-wrongdoing (overall, the

elements of the centrality democracy in the post-ETA-years case as put in section 2.4). In any case, certain precaution should be taken with the results for this category, because the sample is not that great here (3,8% of the message units).

‘Education’ exhibits (in *Figure 22*) really strong presence of the crimes and violence, and, not small, but neither that big for ‘human rights’. It also features a bit of ‘ETA prisoners’ and ‘prisoners of the terrorist band’ (*Figures 25 and 26*); ‘victims’ to a considerable extent – specially of terrorism and ETA, but a bit of ‘all victims’ as well (*Figure 31*); and, not much of ‘victory-defeat elements’ or ‘friends-enemies’ (*Figure 34*). As for ‘action-guiding principles’ (*Table 7*), memory appears first and coexistence second: probably the most evident normative goals to promote/build through education.

We cannot assume many significative results for ‘general coexistence plans or programs’, because of a low sample of 2.4% of all the message units. The strangely low results for prisoners (*Figures 25 and 26*) or victims (*Figure 31*) warn us this way, although further analysis would be necessary to fully confirm such impressions. Still, there are some noteworthy results in *Table 7*, on ‘action-guiding principles’. Considerably sparked by a (logically) really high frequency for ‘coexistence, but it is the category with the highest relative frequency for the total of principles. The secondary principles complete the picture of in what terms that coexistence (plans) is conceived or at least debated: truth, respect, peace, memory, democracy. And even in a lesser level: freedom, dialogue, diversity.

Finally for the context-specific categorization, there is the ‘overarching policy making questions and political configurations in relation to the ETA-years’. In *Figure 22* it presents a medium-level frequency of ‘terrorism’ and basically no ‘human-rights’. The result on prisoners (*Figures 25 and 26*) is quite interesting, as it exhibits a frequency only second only to the category of ‘prisoners and prison policy’, having ‘ETA prisoners’ as the main frame. For ‘victims’ the frequency is low whilst not for ‘victims of terrorism’ (*Figure 31*). The ones in *Figure 34* are the most notable results: almost the highest ‘victory-defeat elements’ and highest friends’ and enemies’ relative frequencies. This suggests a stronger featuring of ‘conflicting’ categories that, in turn, may relate to more technical/not-strongly-political-discourse-oriented talks in the other categories, that do directly address the issues coming from the ETA years more specifically – the human rights and TJ issues as understood in this work. Although, again, caution should be

prescribed for the quite small sample (3.6% of the message units). For principles, ‘truth’ is the main one, but there is a small frequency of them, overall.

Lastly in this section: TJ thematic categorization.

On *Figure 24*, ‘institutional reform/guarantees of non-recurrence’ and ‘overarching general policies or political configuration’ lean heavily on notions of ‘terrorism’ to the detriment of the notion of ‘human right’ (although the first presents higher relative frequencies on both than the latter). ‘Reparations’ shows a relative frequency of ‘terrorism’ almost on average while having a higher value for ‘human rights’, even if ‘terrorism’ is still bigger. This near equilibrium seems to make sense as the main framework for reparations is built around ‘terrorism’ (and its victims), but human rights (their violations) remain the rationale for them. ‘Truth-seeking’ does invert the relation, with a higher value for ‘human rights’.

Results on *Figures 29, 30 and 33* do not present anything remarkable or that does not respond or relate to issues already covered. *Figure 36*, however, very well deserves a comment, as it shows results for ‘victory-defeat elements’ as inverse to those of ‘human rights’, and, similarly to the context-specific categorization results, the ‘overarching general policies or political configuration’ having the highest frequencies for ‘friends’ and ‘enemies’ as well.

From *Table 9*, on the ‘action-guiding principles’ we see a really low presence of principles in talks ‘institutional reform/guarantees of non-recurrence’. This might point out that no substantive institutional reform/guarantees of non-recurrence talks are on the table, as they would probably require presenting the normative aims behind proposed reforms. Instead, taking into consideration the inclusion of education and prisoners’ issues here, and, having in mind the high results on ‘terrorism’ (*Figure 24*) and not low on ‘victory-defeat elements’ (*Figure 36*), it seems to match approaches of mere application of terrorism frameworks and discourse. ‘Reparations’ and especially ‘truth-seeking’ contrast with this.

The other mention to make in relation to *Table 9* is the higher relevance democracy acquires in overarching general policies or political configuration’.

5. CONCLUSION

The present work has attempted to dive into the state of parliamentary talks addressing the ETA-years in the four years since ETA's disbandment. With this objective in mind a predominantly expansive-analytical exercise has been carried out: theorising the post-ETA-years under the light and contrasting with TJ and the meta-conflict, drawing more specific categories and variables related to the ETA-years and the post-ETA-years' scenario, and, finally, undergoing a content analysis coming from the framework previously built, and shedding some quantitative results accompanied with qualitative complements. This last display was founded on and sought an answer to the fundamental research question: *What is the state of the parliamentary talks related to addressing the ETA-years during the 4 years immediately following ETA's disbandment?*

The answer given to it up to this point is not a straight-forward one, but rather a comprehensive and variate consideration of its elements. The theoretical and conceptual framework, beyond being of interest in itself, allows for adequate self-interpretation of the multiple results obtained. But still: the pieces have been set on the table, but the puzzle is far from unifiedly completed. It would take another thesis to properly build it up. Still, some conclusive notes of tentative aim could go like this;

1. Parliamentary-territorial divisions seem to come in accordance to the approaches described by existing literature: BAC and (to a lesser extent, Navarre) with a pseudo-TJ approach, and, Spain as predominantly anti-terrorism.
2. There could be an inverse correlation between the employment of the 'terrorism' frame and the 'human rights' frame.
3. The most official framework within Spanish context seems to rely more heavily on 'victory-defeat' elements.

...

These are only some notes of the superlative amount that can be taken out of the results and drawing on the previous theoretical and conceptual framework. Some of which have also been stated in section 4. In any case, the actual answer given to the research question lies in the analytical complexity disentangled and displayed along the dozens of pages previous to these. In a way, the reader's explicit or implicit interpretation built up of the different ingredients of those, provides as rich of an answer; with its commonalities with its innovations.

Achievements and limitations

Many of the achievements and limitations of this work can be seen as the two sides of the same coin that the adopted approach constitutes.

The first part of it is already evident after the beginning of the conclusion: the comprehensiveness-seeking approach has provided a wide, complete and varied analysis that better relates to the nature of the research question, but, that, at the same time, has not allowed for an explicit answer beyond the few notes mentioned just previously. The achievement is laying a wide foundation from which to continue building up on this project or take specific elements according to the interests of the reader, while, the limitation of certain incompleteness results in some sort of indetermination of the project.

This comprehensiveness-seeking approach has allowed for an integrative but plural way of addressing the ETA-years and the post-ETA-years. Something that is not that usual, as narrowly focused approaches, either on one issue or coming from a clearly defined (political) approach, tend to be more usual for the topic. And this relates better to the nature of the topic, as it is in itself really complex. In turn, however, a maybe too eclectic approach has been adopted.

Another issue to mention is on the implicitly double-edged approach carried out along the work: combining the descriptive interest but justified and motivated by a normative aim. It is basically the only way to attempt impartiality while making sense of such sensitive and pressing topic, but, at the same time it may have gotten intertwined making the work (at least in certain parts) neither properly descriptive nor normatively purposeful.

On a more technical sense some other limitations may be noted. 1) The selection of the sample would have been more sound by complementing it with other researcher's or experts work or advice. 2) Some similar procedure with the variables could have prevented and more properly pointed out false negatives or positives to be expected. 3) The combination of the categories would have enriched the results (not done just for scope/extension issues). 4) Some sort of quantitative-statistical reliability tests would have been useful specially for some suggested correlations as well as for checking statistical significancy for different sample sizes depending on the category. 5) For some of the concepts the predominant quantitative element of the analysis, even if complemented with qualitative takes, might have still fell short addressing the latent meaning and significance.

A last specific mention will be made in what comes to the focus set for the work: on parliamentary sessions in the CoD, BP and PoN. The value of this has been set clear since the introduction: they present a profoundly interesting interplay between post-ETA policy-making and public opinion. And, it allowed reference to political positions/approaches as well as territorial-societal differences in how the ETA-years are understood and faced. But, it has implicitly meant leaving aside other levels that are of great significance for the wider post-ETA-years topic addressed. Precisely the local level pops up as a deeply interesting one, for the (post-)ETA-years and for the TJ approach. “Transitional justice now reaches down into the local village or neighbourhood level, and makes use of a number of techniques drawn from or influenced by local customary law that combine elements of truth-telling, amnesty, justice, reparations, and apology.” (Roth-Arriaza, 2006, p. 11). And, while this is true for pretty much all the cases, it clearly is for the Basque one. Bengoetxea, in its TJ proposal already pointed it out: “There is a broad scope for social initiatives by social movements, citizens, NGOs, and for *auzolan* (community cooperation in Basque).” (Bengoetxea, 2013, p. 47). Joseba Zulaika’s *Basque Violence: Metaphor and sacrament* may be the clearest example of the relevance of the local level in understanding the ETA-years: it is an anthropological approach to the ritual constructions and elements in relation to the experience of political violence just focusing on the little village of Itziar. Proper advancement in the post-ETA-years, specially with coexistence or reconciliation in mind must go through the most local level (and indeed, it has already been going through certain municipal/local initiatives).

So, this local level constitutes a limitation on the works consideration of the wide post-ETA-years topic (due to its relevance within it) but a possibility for this work at the same time, because understanding the interplay between the most local dynamics and the broad political discourse and policy-making arrangements comes as really interesting when adopting some sort of TJ-seeking-approach for theoretical and practical purposes.

But, all in all, this research has provided a thorough deep into the post-ETA-years scenario, from a human rights-motivated and TJ-articulated approach that responds to the issues and needs underlying the topic, and, without renouncing, but instead aiming for, the contentiousness and complexity that define the topic as it is presented, rather than opting for a narrow fully set politically-charged approach which does nothing but endorse its predetermined answers, or, alternatively, for an innocent approximation that would fail

to see that how the ETA-years, with the human right violations they bring to the forefront, are treated is deeply conditioned by the political contrasting and even conflicting conceptualizations.

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ANNEX

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A. OPERATIVE CONCEPTS

- ETA

This work, for the sake of simplicity, talks about ETA univocally. This is quite usual to do, but the fact is that through the 1960s, 70s and 80s different ETA-s existed: ETA Berri, ETA Zahar, ETA VI Assembly, ETA V Assembly, ETA(pm), ETA(m), ETA VII, ETA VIII. Added to these, other relatable groups are many times thrown together with ETA: CCAA, IK, Iraultza... Victims of the kale borroka, the RBPL street violence that became popular in the 90s and as a byproduct of the ‘socialization of the suffering’ strategy adopted by ETA since 1995, are usually considered as victims of ETA as well.

The aggragation of these groups has already been visible in this work already in the beginning of the Introduction with Figure 2 and Table 1, that talked about ‘ETA and affine groups’ and ‘ETA, ETA(pm), ETA(m), ETA VII, ETA VIII, CCAA, DRIL, IK, Iraultza and others’ respectively. The do so in contrast, respectively, of the terrorism committed by others that are ‘BVE, GAL and affine groups’ and of the human rights violations by ‘Security Forces’ or by ‘parapolice and extreme-right wing’. The present work follows that approach without being so explicit about the existence of other groups (further than this conceptual clarification) and merely talking about ‘ETA’ in all these cases.

- The ETA-years + the post-ETA-years

The notion of the ETA-years, absolutely central to this work, has already been sketched along section 1.1. But still, a bit more of clarification may be convenient. The most clear notion given in section 1.1 has been stating that it refers to a period/context with notable human rights violations which has ETA as its central but not only actor and cause behind those human right violations.

First, the centrality of ETA is to be understood already in temporal terms. *Figure 2* already illustrated the time-frame that overlaps with and goes beyond regime temporalizations (dictatorship, transition, democracy...). ETA gives a defined temporal frame that for this work’s approach, goes from 1958 to 2018: from ETA’s creation to ETA’s disbandment. However, other works may opt and argue for other delimitation. Starting in 1968 with ETA’s first killings and finishing in 2011 with ETA’s definitive cessation of armed activity may be the main ones, although there are reports, books and articles that also opt

to start in 1960 or end in 2010 (with ETA's last fatal victim). As the work relies on sources that take this kind of choices, such temporalizations will also be present, and refer to as ETA-years indistinctively. However, the proper-own ETA-years temporal frame is that of 1958-2018. It is the one that sets the frame for the parliamentary session sections included, and, it allows to fully conceptually talk about post-conflict scenario (in the terms brought up in section 2 and instead of relating to TJ approaches of it as a 'way out of a conflict').

Furthermore, this period, is concretized as context, referring to territorial and political conditions that revolve around the Basque Country.

But, maybe even more relevantly, and following this contextual element, it refers to ETA as nucleus (main actor in the centre stage, but not the only one involved – as it has been explained in section 1.1) of a period/context of common human rights violations in the form of killings, injuries, tortures, kidnappings, extortion, and so on. This way the basic temporal and special elements are linked with the central motivating this research.

- **Basque**

This may seem straightforward at first, and thus irrelevant, but actually different specific meanings of 'Basque' are used along the work.

The first and most clear one is referring to the Basque language. It will not be made explicit in most of these cases and just 'Basque' by itself will be employed, but the context will certainly confirm such a use.

The other great meaning of 'Basque' is that of the demonym employed for the Basque Country. However, this comes as a tricky one for this work. Figure 1, in p. 15, on the legal and cultural geography of the Basque Country, presents the 'great' Basque Country that is composed of seven provinces pertaining 3 to France and 4 to Spain. Of those 4 in Spain three form the Basque Autonomous Community and the other is Navarre, which gives form to the Chartered Community of Navarre. In the French Basque Country the Basque Municipal Community exists. So, Basque could refer to the whole Basque Country with the seven provinces, the Basque Autonomous Community or the French Basque Country and its Basque Municipal Community. The last one does not come into play in this work and, if there is a specific mention to it, it is made clear, but the other two

appear quite often. In the context of institutions Basque will refer to the Basque Autonomous Community. When talking about the Basque issue, Basque case or Basque in the context of Basque nationalist approaches it will refer to the wider Basque Country. However, as it will not be constantly made explicit and reminded it might be confusing sometimes. But, instead, making it explicit every time will make it tedious and will amount to many words, and, changing the denomination to avoid confusing will probably be ‘illegitimate’ as it is more truthful to stick to the term usually employed, that is ‘Basque’.

- **‘Basque Patriotic Left’ and ‘Radical (Basque) Patriotic Left’**

Many terms are used in literature in English in relation to the political ideology and in relation, social and political base related to it and/or ETA: radical Basque nationalists, Basque National Liberation Movement...

This work opts for a literal translation of the term used by this political sector itself: Ezker Abertzalea / Izquierda Abertzale. That is, ‘Patriotic Left’. Adding the explicit mention to the ‘Basque’, just tries to make it clearer. It results in the abbreviation BPL that is used. Basque National Liberation Movement is too complex of a concept do to its ‘denotative implications’ as well as its historic uses. Radical Basque nationalists while being probably the most frequently used one and, being more similar to the BPL finally used, is too similar to the Basque Nationalist and Basque Nationalist Left terms that are employed in the ‘political force’ categorization and analysis.

But, there is a further specific differentiation that will also be employed ‘Radical Basque Patriotic Left’ vs ‘Basque Patriotic Left’. When ETA was active, ‘Patriotic Left’ referred to the political wing/somehow supportive political sector for ETA. The late 2000s and early 2010s, with the twilight of ETA’s activity, saw the coalitions of Bildu and EH Bildu (and Amaiur) be formed. That implied a coalition of the historically ETA-supportive ‘Patriotic Left’ (coming from the historic parties of Herri Batasuna, Euskal Herritarrok or Batasuna) now under the party Sortu (that adopted the ‘Mitchell Principles’), with EA (80s socialdemocrat split from the centre-right Basque Nationalist Party), Alternatiba (a split from the Spanish leftist I-U) and Aralar (a 2000 split from Batasuna on the basis of opposition to political violence): political parties that opposed ETA’s political violence. This coalition, nowadays EH Bildu is the current ‘Patriotic Left’. Distinguishing between

‘Radical Basque Patriotic Left’ (RBPL) and ‘Basque Patriotic Left’ (BPL) makes it possible to make explicit the BPL supportive of ETA or political violence with the usage of RBPL.

- **Political talks/discourse**

As it has been evident since the introduction and even title of this work, the central term employed will be that of ‘talks’, ‘parliamentary talks’.

Discourse brings with it a reference to further implications that have to do social sciences and philosophical theories that are not properly developed in this work. ‘Political discourse’ is employed a few times to stress the political nature of something that is not sporadic as ‘talks’ could imply.

Anyway, talks is mostly used for ‘parliamentary talks’ and for ‘political’ stance or argumentation are prioritized.

- **Prisoners**

‘Prisoners’, unless specified otherwise, will be used as shorter way of referring to ‘prisoners serving jail sentences in relation to ETA’. Why ‘prisoners serving jail sentences in relation to ETA’ and the ‘need’ of a shorter operative version? Why not just go for ETA prisoners or terrorists in prison?

The main motive of not going for ETA prisoners or terrorists in prison is the fact that some part of the detainees, specially in the deliberate police-judicial strategy of targeting the social-political support base of ETA (also known as ‘everything is ETA’) started with the 18/98 macrosummary (that combined with a wide consideration of crimes of ‘terrorism’), cannot be considered as terrorist or pertaining of ETA (even if the cases of clear conviction, because it entailed really problematic cases such as the mentioned one of *Egunkaria* and others). Thus, ‘prisoners serving jail sentences in relation to ETA’ is a more complete term, but the term is far too long for its practical use, including it featuring in the multiples figures and tables with the quantitative results.

The use of merely ‘prisoners’ may still be criticized by some as adopting the framings of the BPL that distortion the reality of the prisoners explicitly being terrorist pertaining to

ETA. The problems of fully assuming the ‘terrorist’ and ‘ETA’ reference (even if it is the case for most) has already been explained, and, the talk about ‘the prisoners’ spreads far more widely than to just the small and explicit BPL, being common use and an actual element of interest brought up in these terms.

- **‘Terrorism’ and ‘terrorist’ + ‘armed activity’**

As it is exhibited in section 2.2, when addressing the ‘terrorism narrative’, terrorism is a term deeply determined by its negative connotations, brought (mainly) from a political perspective and played in moral terms. All this makes it much more difficult to employ the term for academic denotative intentions such as this work’s. An option for it may be to renounce to the term. However this does not seem advisable in general due to the concept of terrorism still having an actual descriptive value of an existing reality, and it is even impossible to do so for our case, since it is central in conversations of ETA-years and its actors (starting with ETA), and even more when the focus is set on the controversies, that have the ‘terrorism paradigm’ as a basic element and are fundamentally of political motivation.

Of such consideration is the author from whom the definition of terrorism is taken in this work for own use: Anne Schwenkenbecher. After a conceptual examination of it, she comes to define “terrorism as:

an indirect strategy of using fear or terror induced by violent attacks or force (or the threat of its use) against one group of people (direct target) or their property as a means to intimidate and coerce another group of people (indirect target) and influence their actions in order to reach further political objectives. Terrorist acts are the violent acts that form part of such a strategy.” (Schwenkenbecher, 2012, p. 38)

A group/organization/actor will be considered as terrorist when such a strategy is its main one. And, it is considered to be the case of ETA, and other groups such as BVE or the GAL. However, this does not mean that any act of such groups should be considered as terrorist/terrorism. One of the motives to choose Schwenkenbecher’s definition (along with a personal recognition of the validity of the concept and its theoretical build-up) is her explicit consideration of the case of ETA for the construction of this definition. But,

still, a consideration that regards certain actions by ETA not as terrorists: such as Carrero Blanco's assassination, that constitutes a case of political assassination instead of terrorism (Schwenkenbecher, 2012, p. 45).

Such an approach gives a conceptual rigour that is much needed even if in most cases along the work, the term terrorism will be mentioned in relation to the connotations that the 'terrorism paradigm' brings.

Furthermore, it is convenient to mention that this definition does not come as incompatible with the one used by Whitfield (2014), which is relevant considering that her use of the term 'terrorism' gives form to a relevant part of section 2.2. The definition she uses is derived from UNSC *Resolution 1566* (UNSC, 2004) that

comes close to a definition of acts of terrorism in its characterisation of criminal acts that: (a) are committed against members of the general population, or segments of it, with the intention of causing death or serious bodily injury, or the taking of hostages; (b) have as their purpose to provoke a state of terror, intimidate a population, or compel a government or international organisation to do or abstain from doing any act; and (c) correspond to all elements of a serious crime as defined by the law. (Whitfield, 2014, p. 18)

Schwenkenbecher's definition expands and more soundly draws similar considerations on terrorism: for (a) by adding threats, for instance; and, for (b) clearly defining the direct and indirect targets present in terrorism. In some (limited) senses of law, point (c) could get to be problematic with Schwenkenbecher's definition because this last one considers State's systematic action as susceptible of being terrorism including, maybe, action considered legal under the corresponding domestic law. In any case, it is not for this work, as the ETA-years featured terrorism that clearly went against all applicable law.

Finally on this regard, it will be mentioned that, now and then 'armed action/activity' is also employed. This is neither differentiated nor equivalent to 'terrorism'. As it refers in most of the cases to ETA's armed action, it will imply 'terrorism' in most cases. But, as it has said before, not all action by ETA is necessarily terrorism; not even all armed activity. In any case, it is mostly used when adopting, when convenient, a terminology more inline with ETA and the BPL without any need on focusing on whether the political violence that it does in fact imply is precisely terrorism or not (even if most of the times it will be the case).

B. ACCESS-LINK AND EXPLANATORY NOTES TO THE EMPLOYED DATA BASE

The next is the link to access the employed Data Base for quantitative analysis – in XLSX format and stored in Google Drive:

<https://docs.google.com/spreadsheets/d/1SIV0FobasT8LGW1v38NN1WNUwtzqfcVB/edit?usp=sharing&oid=106827776424961338503&rtpof=true&sd=true>

The XLSX presents a table featuring more categories than those finally employed for the content analysis. For ‘political forces’ the additional categories mentioned in the end of Annex section E are also included. Furthermore an additional category, ‘Government’, is included, referring to whether the speaker on the message unit belonged to the government (thus talking during a ‘control session’). Additional information on this is added, mentioning the role of that person in government if it is the case, and, for all, the name (in the form of the two first surnames) of the speaker. Other maybe useful data included are the number of sentences, words and characters of the message units.

C. THE SAMPLING AND THE SAMPLE

This section presents the sample employed in the content analysis, addressing the methodological and technical issues of its selection/elaboration first, and, displaying the – overall and categorized – descriptive statistics it sheds second.

The sample employed in the present work is derived from the researcher’s qualitative review – eased to certain extent, but not determined, by the use of ‘word search’ – of the plenary and Permanent Deputation parliamentary sessions’ records of the Congress of Deputies, Basque Parliament and Parliament of Navarre for the period going from 3 May 2018 to 12 May 2022. This means 269 Congress of Deputies sessions (Nos. 118 to 186 in XII Legislature, 1 to 15 in XIII Legislature, 1 to 185 in XIV Legislature), 176 Basque Parliament sessions (Nos. 80 to 160 in XI Legislature, 1 to 96 in XII Legislature³⁶), and, 149 Parliament of Navarre sessions (Nos. 109 to 145 in IX Legislature, and, 1 to 112 in X Legislature). These records have been downloaded from the official online repository of each parliament:

- Congress of Deputies: <https://www.congreso.es/busqueda-de-publicaciones>
- Basque Parliament: <https://www.legebiltzarra.eus/portal/es/web/eusko-legebiltzarra/actividad/diario-sesiones>
- Parliament of Navarre: <https://www.parlamentodenavarra.es/es/publicaciones/diarios-sesiones>

The criterion for the selection of the sessions’ sections has been whether they address the ETA-years and/or issues of the ETA-years as their main topic. To determine whether this was the case, both, the names given to the sections as well as the interventions done within it. The session sections that address the ETA-years and/or issues of the ETA-years just as part of a wider topic of discussion have been left out in order to ensure that the measures only reflect the ‘parliamentary talks related to facing the ETA-years’, including, that the context in which that talk happens is ‘essentially’ configured around the topic of the ETA-years and/or actions to face it. This approach leads to some methodological notes on the sample: 1) it is referred and will be referred to as a ‘sample’ because of its configuration out of a wider ‘population’ of parliamentary sessions sections’ interventions; 2) in this sense, the process of selection has to be classified as ‘non random sampling’, specifically

³⁶ There is no session No. 76 for the XII Legislature.

“Purpose of Judgment sampling” (Neuendorf, 2002, p. 88); 3) however, for statistical terms, it has to be somehow considered in terms of ‘population’ as there is no wider ‘population’ to which extrapolate the results: they are precisely circumscribed to this, already mentioned, specific topic and context of ‘discussion’.

The selected parliamentary session sections have then been elaborated into separate message units on the basis of each person (representing a party/coalition) that intervened (following the proper parliamentary debate procedures³⁷) during this section. That means that if this person has intervened twice in the section, both interventions are included in the same message unit.

Lastly, on the methodological-technical issues, some specific technicalities on the configuration of the final sample have to be mentioned. 1) The formal introductory greetings and ending words usually present in parliamentary interventions have been deleted, as, even if usual, they are not always present, and, especially in the case of short interventions, they could get to make a difference. It has been preferred to cut the interventions this way, in order to ‘get directly to the point’. 2) For, pretty much, equivalent reasons (even if in this case, they are not usual), the sentences directed to (usually thanks, asking for permission for continuing, counterarguments or complaints) some kind of interruption by the president of the parliament (mainly warnings to either the speaker, other parliamentarians or attending spectators) or interrupting statements by other parliamentarians (when included in the session record) have also been deleted. 3) The sample is constructed by textual messages in Spanish language. Interventions in Basque language are usual in both Basque and Navarrese parliaments. The latter presents their translation to Spanish in the session record just after the original text in Basque. This is the case in the definitive records as well as the drafts previous to the definitive versions. In the case of the Basque parliament, the definitive records display the interventions in both Spanish and Basque³⁸. However, the drafts just present the original text. All the texts have been taken in the Spanish form presented in the records – either original or translation – whenever available. For the exception of the texts in Basque of the Basque parliament sessions presented in the draft sessions the neuronal translator *Itzuli*³⁹ has been

³⁷ That is to mean, in the context of the speaking time granted for the type of debate – no circumstantial interventions such as objections or shouting recorded in the session’s record.

³⁸ In a double column format where the original text is in the left column and the translation on the right one.

³⁹ Available at <https://www.euskadi.eus/traductor/> ; disposed by the Basque Government Culture and Linguistic Policy department.

used in its ‘general’ translating typology, with some added corrections by the researcher when a clear mistake was spotted in the resulting translations. Even if there is no specific linguistic regulation set for it in the Standing Orders of the Congress of Deputies (SO), the interventions there are almost exclusively presented in Spanish – having some history of restricting the interventions in co-official languages (Romero, 2020). In the case of the selected sample, there are just a handful of cases where, at most, a few sentences have been pronounced in Basque, being in most cases immediately displayed in the record with a translation that is presented as coming from a written translation handed over to the Bureau of the Congress of Deputies by the speaker. In the cases where there is not such translation, those sentences in Basque have been easily translated by the researcher. 4) There are some brief interventions part of the selected parliamentary session sections that do not enter into the depths of stating an argumentation about the issue concern, just limiting itself to mention the position of the party in relation to the expected vote or just to mention that they would not take part in such a debate. This kind of intervention have not been included in order to avoid distortions and focusing instead directly on the questions of interest to the present research.

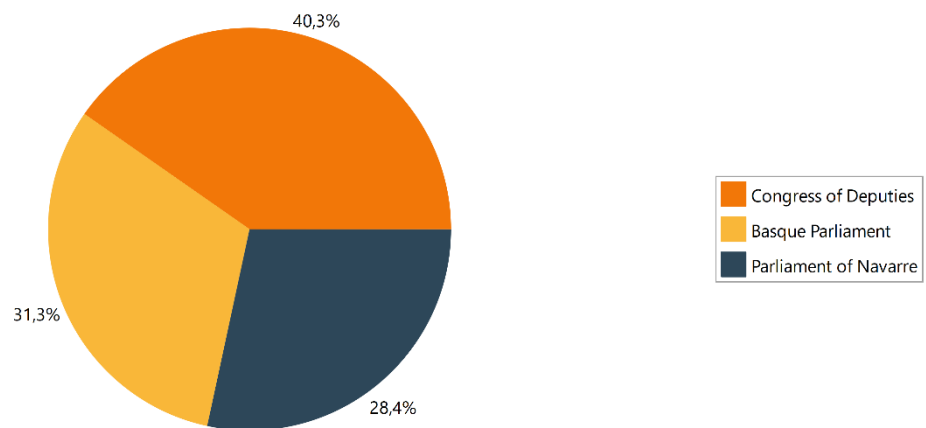
Having addressed the methodological and technical issues we will move on to the representation of the sample that descriptive statistics provide us.⁴⁰

The total sample is composed of 335 message units taken out of 85 parliamentary sessions, and 97 parliamentary session sections. These 335 message units present in total 369,435 words and 2,246,685 characters, for an average of 1,102.79 words and 6,706.52 characters per message unit.

Considering the different categorizations that will be employed we find the next distributions of the sample. Regarding ‘parliament’ (*Figure 37*):

⁴⁰ A link to the full sample in the form of database as it has been employed in this work in Annex section B,

Figure 37: Sample (message units) on the basis of 'Parliament'



In what comes to 'political force' we see 'Political force – Political forces - 4 spaces (+ catalan nationalists) scheme' in *Figure 38* and 'Political force – main parties/coalitions groupings' in *Figure 39*.

Figure 38: Sample (message units) on the basis of 'Political force - political spaces'

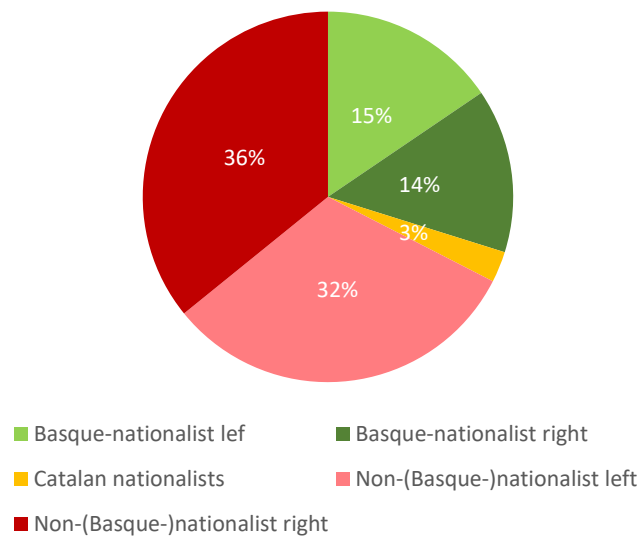
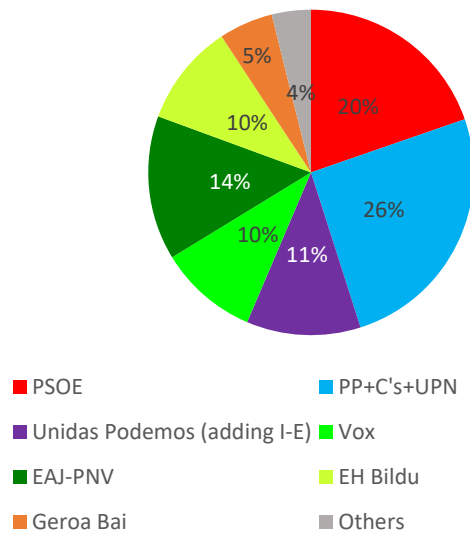


Figure 39: Sample (message units) on the basis of 'political force' - main parties/coalitions-groupings



Lastly, the thematic categorizations:

Figure 40: Sample (message units) on the basis of 'Context-specific categorization I'

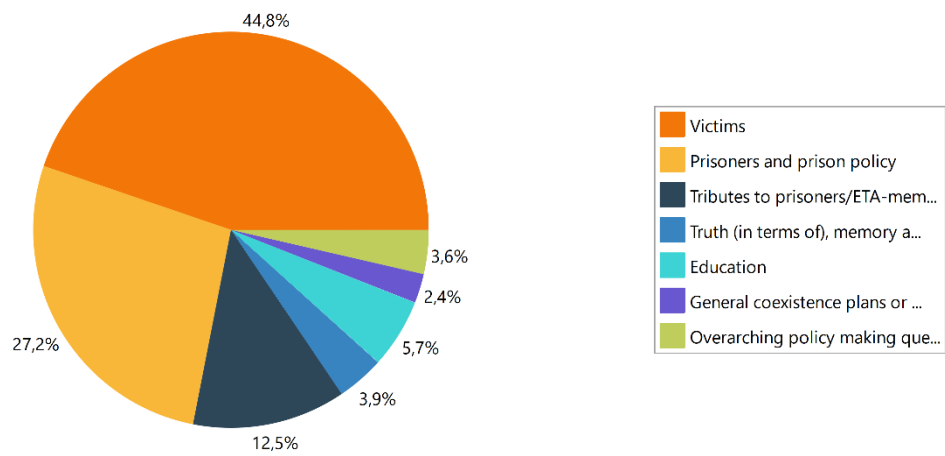


Figure 41: Sample (message units) on the basis of 'Context-specific categorization 2'

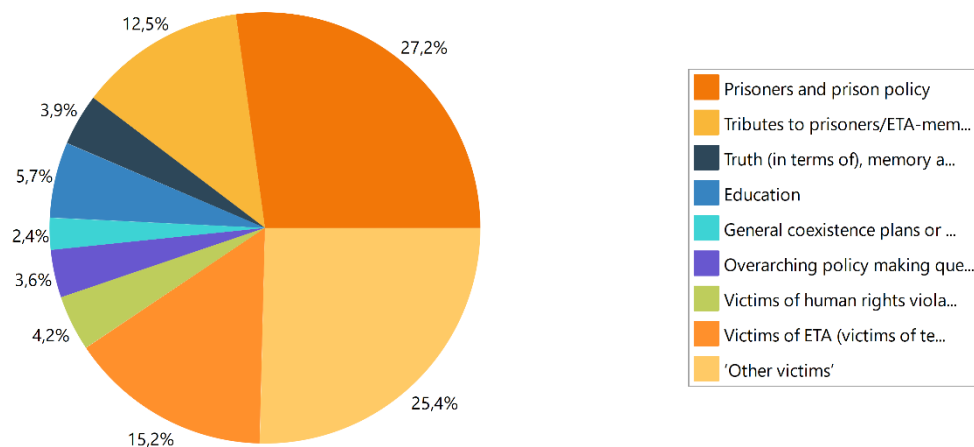
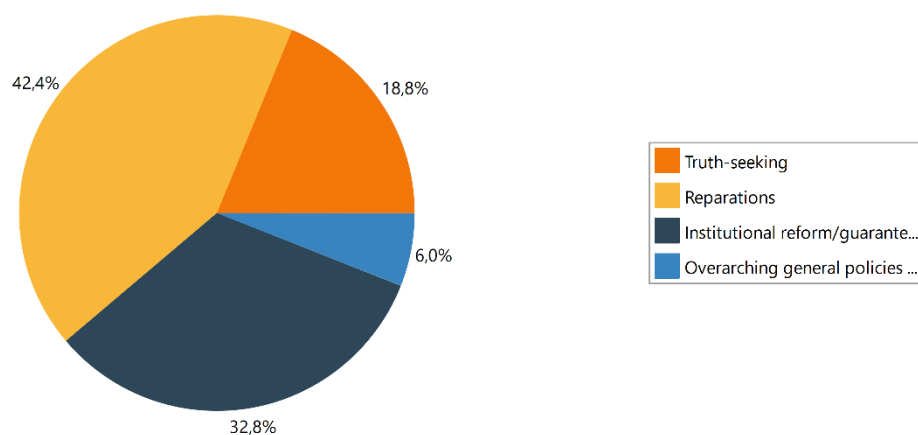


Figure 42: Sample (message units) on the basis of 'TJ categorization'



This have been set on the basis of parliamentary sessions by human coders. Because of this, an intercoder reliability test has been executed shedding the next results for *Cohen's kappa*:

- For 'context specific categorization 1': 77.39
- For 'context specific categorization 2': 78.96
- For 'TJ categorization': 71.74

So, they present a quite good/decent level of reliability to be employed in the content analysis.

The next tables (*Tables 10, 11 and 12*) are the crosstabs displaying intercoder agreement for these thematic categorizations (that, in the end, result in the mentioned *Cohen's kappa* results).

Table 10: Intercoder agreement-disagreement crosstab for 'Context-specific' categorization 1'

		Coder 2							Total
		Victims	Prisoners and prison policy	Tributes to prisoners/ETA-members and glorification of terrorism	Truth (in terms of), memory and the 'narrative'	Education	General coexistence plans or programs	Overarching policy making questions and political configurations in relation to the ETA-years	
Coder 1	Victims	28	2	0	5	0	0	1	36
	Prisoners and prison policy	3	22	0	0	0	0	2	27
	Tributes to prisoners/ETA-members and glorification of terrorism	0	0	13	0	0	0	0	13
	Truth (in terms of), memory and the 'narrative'	0	0	0	5	0	0	0	5
	Education	0	0	0	1	5	0	1	7
	General coexistence plans or programs	0	0	0	0	0	4	0	4
	Overarching policy making questions and political configurations in relation to the ETA-years	1	0	0	0	0	0	4	5
	Total	32	24	13	11	5	4	8	97

Table 11: Intercoder agreement-disagreement crosstab for 'Context-specific' categorization 2'

		Coder 2									Total
		Victims of human rights violations (as frame)	Victims of ETA (victims of terrorism)	'Other victims'	Prisoners and prison policy	Tributes to prisoners/ETA-members and glorification of terrorism	Truth (in terms of), memory and the 'narrative'	Education	General coexistence plans or programs	Overarching policy making questions and political configurations in relation to the ETA-years	
Coder 1	Victims of human rights violations (as frame)	2	1	0	0	0	0	0	0	1	4
	Victims of ETA (victims of terrorism)	1	10	0	1	0	2	0	0	1	15
	'Other victims'	2	0	12	0	0	3	0	0	0	17
	Prisoners and prison policy	1	0	0	22	0	0	0	0	2	25
	Tributes to prisoners/ETA-members and glorification of terrorism	0	0	0	0	13	0	0	0	0	13
	Truth (in terms of), memory and the 'narrative'	0	0	0	0	0	5	0	0	0	5
	Education	0	0	0	0	0	1	5	0	1	7
	General coexistence plans or programs	0	0	0	0	0	0	0	4	0	4
	Overarching policy making questions and political configurations in relation to the ETA-years	0	0	0	0	0	0	0	0	4	4
	Total	6	11	12	23	13	11	5	4	9	94

Table 12: Intercoder agreement-disagreement crosstab for 'TJ categorization'

		Coder 2					Total
		Justice: criminal prosecutions	Truth-seeking	Reparations	Institutional reform/guarantees of non-recurrence	Overarching general policies or political configuration	
Coder 1	Justice: criminal prosecutions	0	0	0	0	0	0
	Truth-seeking	2	10	1	2	2	17
	Reparations	9	3	16	9	3	40
	Institutional reform/guarantees of non-recurrence	5	9	0	13	2	29
	Overarching general policies or political configuration	0	1	1	0	6	8
	Total	16	23	18	24	13	94

D. THREE POSSIBLE CHALLENGES TO THE OWN OPTION FOR TRANSITIONAL JUSTICE PRESENTED IN SECTION 2.4.1, AND THE ANSWERS TO THEM

There are three challenges that may be posed to the assumption of TJ presented in section 2.4.1 that may be worth addressing.

The first is that being the focus of TJ on the State and its ‘authorized wrongdoing’ (following the Winter’s framework) it does not fit for a case in which the majority of victims were caused by non-State armed groups. The explanation on the links of the case for TJ in the post-ETA-years scenario to democracy and post-conflict context already present the consideration of pertinence of TJ assumed in this work. However, in a more refutative fashion it may be convenient to mention how proper TJ processes have worked under such a context. To name an example, Peru underwent a TJ process from 2003 on, after 20 years of conflict in which an estimated 55,5% of the mortal victims⁴¹ were attributed to non-state armed groups (the Shining Path and MRTA). The focus was put on them, but also on the governments’ and security forces’ wrongdoings, still being to acknowledge their hard and sacrificed work (CECVR, 2008, pp. 439 & 442, §§ 39 & 53) together with the appropriate strategy followed in the late 80s and 90s that led to the defeat of the subversive organizations (CECVR, 2008, p. 243). It is true that the death toll of ETA and its related organizations in relation to the total is still considerably higher (83,37%⁴²), but it still resonates with certain problematizations brought for the Basque case and, thus, serves as an example of dealing with them, addressing the multiple actors and factors behind human rights violations without disregarding the different extent and responsibility levels behind each⁴³.

Another critique that may arise is that it is not possible an approach at the ETA-years from the perspective of TJ because the focus on the ETA-years is problematic due to its overlap with the Franco dictatorship (and continuing abuses during the Transition in the late 70s). This, again, is in part a pertinent objection. And it is already a critique lurking over some initiatives facing the ETA-years. For instance, Charlotte Heath-Kelly and

⁴¹ Of a total estimated on 69,280 (CECVR, 2008, p. 17).

⁴² Calculated out of the estimations in (Carmena, et al., 2013, p. 14).

⁴³ Note for instance the inclusion of the decision of the Shining Path to initiate the conflict as the first mentioned (but not only) factor that made the conflict with its human rights violations (and humanitarian law in this case) possible (CECVR, 2008, p. 333-337) – an issue often brought for ETA’s decision in a way that supposedly problematizes addressing human rights violations by other victimizers.

Laura Fernández de Mosteyrín, make a strong remark addressing this issue in the case of the report of committee previous to the constitution of the Victims of Terrorism Memorial Centre in Vitoria: “The mental gymnastics of evoking (Nazi) state terror as a comparison for ETA, while forbidding the discussion of ETA’s roots as an opponent of Francoist state terror, evokes a schizophrenic tone in the Committee’s report” (Heath-Kelly and Fernández de Mosteyrín, 2021, p. 17). And this is a problematic element indeed. Even in the liberal democratization approach of Winter “[t]he antithesis between legitimacy and authorized wrongdoing is one reason state wrongdoing can make revolutions acceptable” (Winter, 2013, p. 232). Without getting into answering the question it leads to (related to questioning the nature of both the Franco regime and ETA within it), it makes evident that approaching ETA then would link with it, and, thus, with a further look into the Franco dictatorship and the latent post-TJ project related to it.

However, there are two factors that diminish the relevance of this objection for the present work. The first is that the ETA-years form a clear frame by themselves due to the continuity and growth of the issue after the Franco regime. Most notably, ETA’s action grew, and the ETA that made it until the 2000s has claimed the trajectory coming from the foundation in 1958⁴⁴ making the continuity not-contentious, and, with it the ETA-years frame coherent. Secondly, the ETA-years frame is already being used as a focus of interest in itself, regardless of its overlap with the Franco dictatorship. This may already come as obvious with the explanations already set forth and it is even more when considering the mere methodological possibility of selecting the ‘sample’ of parliamentary session sections on that basis, but for a proper reference see the initiatives dealing with the past identified in (Alvarez Berastegui, 2017, p. 547). An even clearer example may be set by civil society associations all across the spectrum of activities: their frame is usually set on the ETA-years. This work addresses existing talks on the ETA-years employing a consideration of TJ for it, but it does not propose a TJ project itself. If the task was the latter then this challenge would be one of the central issues to address, but there is no need for such a complex exercise here.

Lastly, it is worth reminding here the problematization of fragmented TJ initiatives brought up at the end of section 2.3. Here, as in to the previous issue, great part of the answer rests on the nature of this work: analytical of parliamentary talks and not

⁴⁴ “ETA was born at a time when the Basque Country was agonizing, strangled by the claws of Francoism and assimilated by the Jacobin state, and now, 60 years later [...]” (ETA, 2018b)

proposing a TJ program or evaluative of existing initiatives. However, in what affects to the interpretative approach, it can be said that the lower intensity of violence that terrorism and these State wrongdoings entail in contrast with the usual cases where TJ is applied, may allow for individual and fragmented initiatives and elements to better deal with the transitional functions to fulfil. Plus, in this case the transitional element comes together with ordinary justice (as Bengoetxea (2013 and 2020) states) which further facilitates its task.

E. 'POLITICAL FORCES' (SECTION 3.1.2) EXTENDED EXPOSITION

Table 13 presents (for the cases that affect to the sample of message units analysed) the political parties (coalition or conglomerates in some cases) and their respective parliamentary groups alongside their parliamentary strength and the most fundamental relation they have with corresponding government .

Table 13: Political parties – parliamentary groups relation, with the parliamentary strength of the corresponding party and most relation with the government on the basis of its composition and attitude towards its investiture – for the legislatures and parties that are included in the final sample

Political forces		Parliamentary strength (seats out of the total)	Relation with the government	
Parliamentary group	Specific parties/coalitions			
Congress of Deputies				
<i>XII Legislature (19/07/2016 - 21/05/2019)</i>			<i>Until 01/06/2018⁴⁵</i>	<i>After 01/06/2018</i>
Grupo Parlamentario Popular en el Congreso	PP	134/350	In government	In opposition
Grupo Parlamentario Socialista	PSOE+PSC	84/350	In opposition, but allowed the investiture of the president	In government
Grupo Parlamentario Confederal de Unidos Podemos-En Comú Podem-En Marea	Unidos Podemos+En Comú Podem+En Marea	67/350	In opposition	Out of government - voted in favour of the motion of no confidence
Grupo Parlamentario Ciudadanos	Ciudadanos (C's)	32/350	Out of government - signed investiture pact with PP	In opposition
Grupo Parlamentario de Esquerra Republicana	ERC	9/350	In opposition	Out of government - voted in favour of the motion of no confidence
Grupo Parlamentario Vasco (EAJ-PNV)	EAJ-PNV	5/350	In opposition	Out of government - voted in favour of the motion of no confidence
Grupo Parlamentario Mixto	CDC / PDeCAT	8/350	In opposition	Out of government - voted in favour of the motion of no confidence
Grupo Parlamentario Mixto	UPN	2/350	Out of government - voted in favour of it	In opposition
Grupo Parlamentario Mixto	EH Bildu	2/350	In opposition	Out of government - voted in favour of the motion of no confidence
<i>XIV Legislature (03/12/2019 - ongoing)</i>				

⁴⁵ A motion of no confidence led to a government change within the legislature.

Grupo Parlamentario Socialista	PSOE+PSC	120/350	In government (President + 17 out of 22 vicepresidents or ministers)
Grupo Parlamentario Popular en el Congreso	PP	88/350	In opposition
Grupo Parlamentario VOX	Vox	52/350	In opposition
Grupo Parlamentario Confederal de Unidas Podemos-En Comú Podem-Galicia en Común	Unidas Podemos+En Comú Podem+Galicia en Común	33/350	In government - as government partner (5 out of 22 vicepresidents or ministers)
Grupo Parlamentario Republicano	ERC + Sobiranistes	13/350	In opposition, but allowed the investiture of the president
Grupo Parlamentario Ciudadanos	Ciudadanos (C's)	9/350	In opposition
Grupo Parlamentario Vasco (EAJ-PNV)	EAJ-PNV	6/350	Out of government - voted in favour of it
Grupo Parlamentario Euskal Herria Bildu	EH Bildu	5/350	In opposition, but allowed the investiture of the president
Grupo Parlamentario Plural	PDcAT	4/350	In opposition
Grupo Parlamentario Mixto	CUP	2/350	In opposition
Grupo Parlamentario Mixto	Foro Asturias	1/350	In opposition
Grupo Parlamentario Plural	Més Compromís	1/350	Out of government - voted in favour of it
Basque Parliament			
<i>XI Legislature (21/10/2016 - 03/08/2020)</i>			
Euzko Abertzaleak - Nacionalistas Vascos	EAJ-PNV	28/75	In government (President + 8 out of 11 councilors)
EH Bildu	EH Bildu	18/75	In opposition
Elkarrekin Podemos	Elkarrekin Podemos	11/75	In opposition
Socialistas Vascos-Euskal Sozialistak	PSE-EE	9/75	In government - as government partner (3 out of 11 councilors)
Popular Vasco-Euskal Talde Popularra	PP	9/75	In opposition
<i>XII Legislature (03/08/2020 - ongoing)</i>			
Euzko Abertzaleak-Nacionalistas Vascos	EAJ-PNV	31/75	In government (President + 8 out of 11 councilors)
EH Bildu	EH Bildu	21/75	In opposition
Socialistas Vascos-Euskal Sozialistak	PSE-EE	10/75	In government - as government partner (3 out of 11 councilors, including the Second Vicepresident)
Elkarrekin Podemos-IU	Elkarrekin Podemos	6/75	In opposition
Grupo Vasco Popular-Ciudadanos	PP+C's	6/75	In opposition
Grupo Mixto-Vox	Vox	1/75	In opposition
Parliament of Navarre			
<i>IX Legislature (17/06/2015 - 19/06/2019)</i>			
G.P. UPN	UPN	15/50	In opposition
G.P. Geroa Bai	Geroa Bai	9/50	In government (President + 6 out of 9 councilors)
G.P. EH Bildu Nafarroa	EH Bildu	8/50	In government - as government partner (2 out of 9 councilors)
G.P. Podemos-Ahal Dugu	Podemos	7/50	In government - as government partner (0 out of 9 councilors, but president of the parliament)

G.P. Partido Socialista de Navarra	PSN-PSOE	7/50	In opposition
A.P.F. del Partido Popular de Navarra	PP	2/50	In opposition
A.P.F. de Izquierda-Ezkerria	I-E	2/50	In government - as government partner (1 out of 9 councilors)
<i>X Legislature (19/06/2019 - ongoing)</i>			
G.P. Navarra Suma	Navarra Suma (UPN+C's+PP)	20/50	In opposition
G.P. Partido Socialista de Navarra	PSN-PSOE	11/50	In government (President + 8 out of 13 councilors)
G.P. Geroa Bai	Geroa Bai	9/50	In government - as government partner (4 out of 13 councilors)
G.P. EH Bildu Nafarroa	EH Bildu	7/50	In opposition, but allowed the investiture of the president
A.P.F. de Podemos Ahal Dugu Navarra	Podemos	2/50	In government - as government partner (1 out of 13 councilors)
G.P. Mixto-Izquierda-Ezkerria	I-E	1/50	Part of the programme agreement with the members of parties members of government

We should take a look at each parliament, its parties/coalitions and context to get to understand the reality of the political forces.

Starting with the **Spanish Congress of Deputies**, although regional parties have played a relevant role in configuring the concrete numbers for majorities in the last years, the core of the parliament, and, all in all, of the political game in the context of Spanish institutions, have been conformed by five nation-wide political forces: PSOE, PP, Unidas Podemos (with its regional associates), Ciudadanos (C's) and Vox. In the XII, XIII and XIV (the three that conform the period under analysis) they have conformed parliamentary groups that have had, respectively, 317, 312 and 302 seats out of 350 under their control.

Even if they may have qualitative differences among them that transcend this axis, they have a quite clearly defined position in the left-right political spectrum. *Figure 43* present the disposition of each of these political forces on the spectrum according to the subjective consideration of survey respondents.

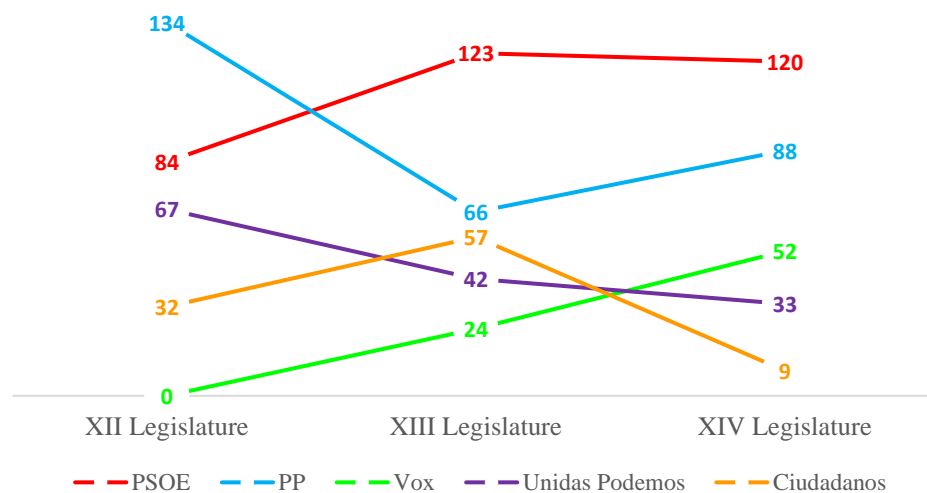
Figure 43: Left-Right scale for the main parties/coalitions in the Congress of Deputies



Source: Own elaboration out of data from (CIS)

PSOE and PP are the ‘traditional parties’⁴⁶, the ones that have been the main two since the 1980s and have alternated the government. In most of the analysed period the government has been in the hands of PSOE (in coalition with Podemos in XIV Legislature). That is why/how they feature in the overview of the ETA-years (section 2.1). Podemos⁴⁷, Ciudadanos and Vox have entered the Spanish political scene during the 2010s. Their fates have been (and are being) divergent, as Podemos and Ciudadanos were strong in the XII and XIII Legislature and went down in the XIV, and Vox has gone in a quite constant progression from 0 to 52 deputies– in the way that *Figure 44* illustrates.

Figure 44: Evolution in number of deputies of the five main parties/coalitions in the last three legislatures in the CoD



Source: Own elaboration

These are the main, but not the only parties/coalitions of the Congress of the Deputies to have had parliamentary interventions in the Congress of Deputies that have been included as part of the analysed sample.

The three parties/coalitions presented in *Figure 45* have had a considerable amount of interventions. Something which does seem to come hand in hand with the fact that they are Basque and Navarrese parties/coalitions. For this same reason we will not get into

⁴⁶ ‘Traditional’ in what comes to the current democracy, although PSOE specifically is definitely traditional as it exists since 1879.

⁴⁷ During this period Podemos has been part of a coalition with Izquierda Unida (a ‘tradicional’ party), that currently has Unidas Podemos at its name. As Podemos is the main party of it, this will be the name used to refer indifferently to both the specific party and Unidas Podemos coalition. Similarly, the different regional branches of Podemos or related to Podemos that stand for election under their specific name are included under the Podemos denomination here.

more detail about them here (just the left-right scale on *Figure 45*) as they will more appropriately come into play when addressing the Basque and Navarrese parliaments.

Figure 45: Left-right scale for the Basque and Navarrese parties/coalitions in the Congress of Deputies



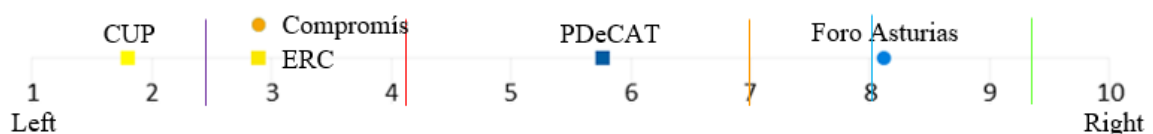
Source: Own elaboration out of data from (CIS)

Lastly, as far as addressing the Congress of Deputies goes, there is the non-major and non-Basque or Navarrese political parties/coalitions that have had any parliamentary intervention included in the sample. The scope of the present work does not allow to get into much detail. Just the left-right scale on *Figure 46* and the regional nature of each (as they all are parties circumscribed to a specific region inside of Spain):

- Foro Asturias: Asturias
- Compromís: Valencian Community
- CUP, ERC and PDeCAT: Catalonia

They all have some sort of a regionalist trait, but it just in the Catalans' case that it does get nationalist/independentist, as the quite clearly blocks configured due to the Catalan *procés* show.

Figure 46: Left-right scale for the non-major and non-Basque or Navarrese parties/coalitions in the Congress of Deputies that have had any parliamentary intervention included in the sample

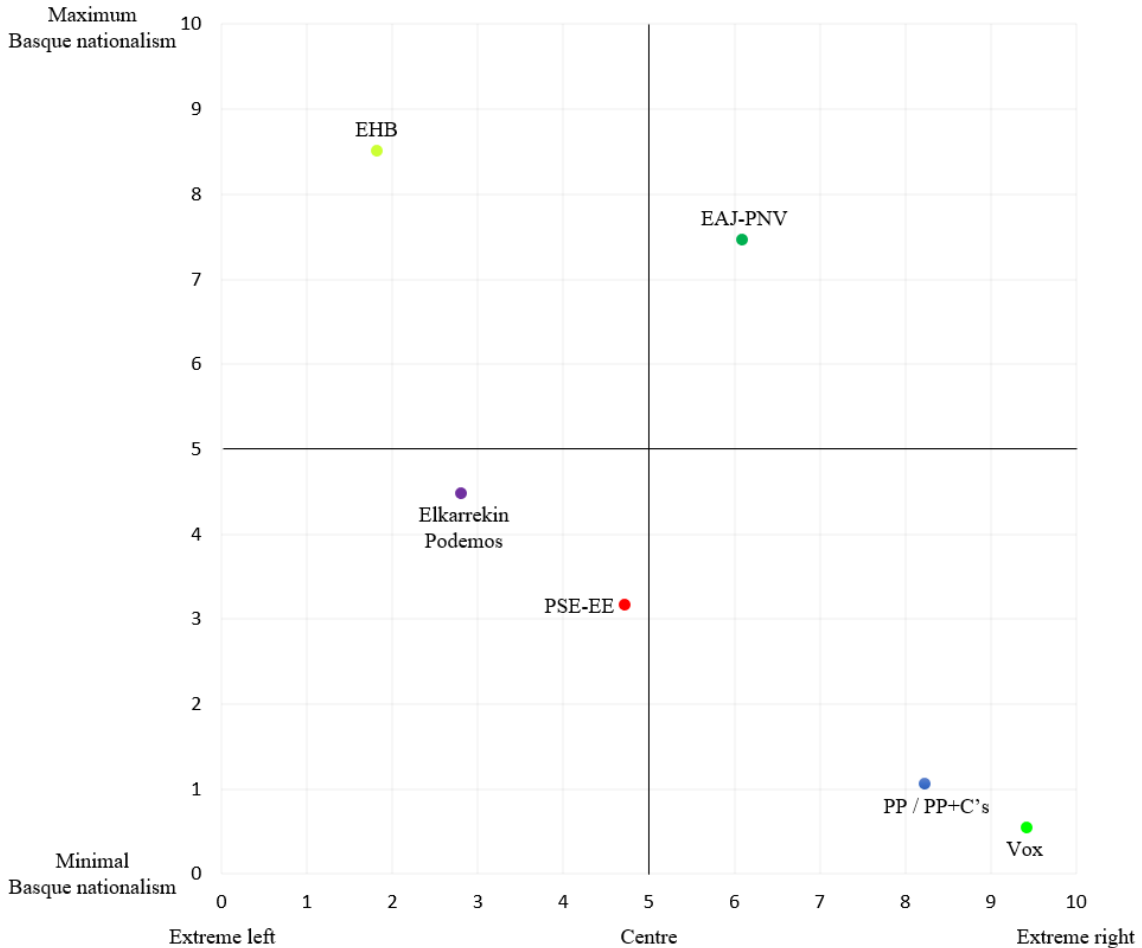


Source: Own elaboration out of data from CIS

Moving on to the **Basque Parliament**, the political scenario here is mainly conformed by two axes: the usual left-right, and, Basque nationalism. *Figure 47* presents the positioning of the political forces present in the Basque Parliament in the XI and XII legislatures on the basis of these two axes according to the subjective perception of the

survey respondents of the Social ‘Deustobarómetro’ (Universidad de Deusto, 2021) in the results available for the analyzed period.

Figure 47: Combined left-right and Basque nationalism scales for parties/coalitions with representation in the Basque Parliament in the XI and XII Legislatures



Source: Own elaboration on the basis of (Universidad de Deusto, 2021, pp. 35-36)

This illustrates perfectly the four spaces in the Basque political scenario that the intersection of these two axes form that have been pretty much defined since the 80s.

Elkarrekin Podemos (Basque translation of ‘Unidas Podemos’) is (Unidas) Podemos in the Basque parliament. PSE-EE nowadays ‘must’ be understood as PSOE’s Basque branch. The same happens with the not-Basque nationalist right. Here it must be mentioned how PP was the only party in this space until the XII Legislature, where PP run together with Ciudadanos⁴⁸ and Vox got 1 parliamentarian (see *Figure 48*).

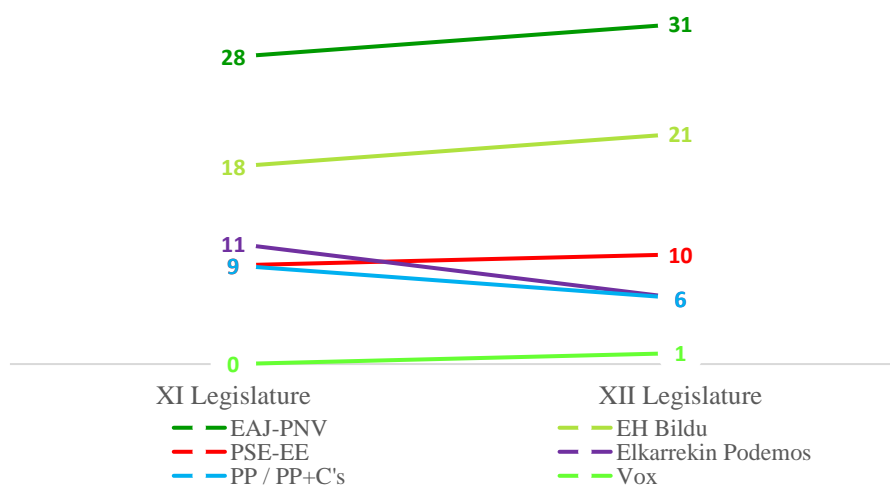
⁴⁸ Obtaining Ciudadanos 2 parliamentarians as part of the coalition.

EAJ-PNV is the traditional (founded in 1895) Basque right-wing⁴⁹ nationalist party. It has been part of Basque government, either alone or as the main party in a coalition, having an affiliated President with it, for all the legislatures except for the IX (2009-2012).

EH Bildu gives form to the current Basque Nationalist Left sector within parliament. That is, to what we have been referring to as the Basque Patriotic Left. This is not a direct equivalent of the traditional Radical Basque Patriotic Left. Without any need of getting into considerations of its current attitude in relation to ETA, this is evidenced by its nature of coalition formed by Sortu (which could somehow be considered the successor of Batasuna), EA, Alternatiba and, formerly, until its disbandment in 2017, Aralar⁵⁰.

For possible further interpretative purposes *Figure 48* presents the evolution of the number of deputies per party/coalition considering the two legislatures included in the content analysis. The two big spectrum modifications to mention are the (narrow) entry of Vox into the parliament, and, the historically high representation of the Basque nationalist options⁵¹, that comes, nonetheless, in a context of situation of a moderate position by the EAJ-PNV and development of the BPL into an ‘institutional and pragmatic Realpolitik’ stance (Mees, 2021, pp. 346-351).

Figure 48: Evolution in number of deputies of the parties/coalitions in the Basque Parliament in the last two legislatures



Source: Own elaboration

⁴⁹ Centre-right specifically as *Figure 45* and *Figure 47* show.

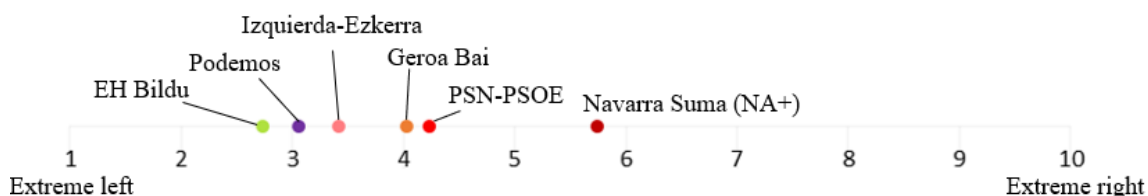
⁵⁰ See section 2.1 for more on the issue.

⁵¹ That came with a historically high amount of the vote in the 2020 elections: 66,93% out of the total. (Mees, 2021, p. 346).

Lastly, the **Parliament of Navarre**. Some notes have to be done preliminarily. The data employed for the characterization of the parties'/coalitions' ideology, coming from UPNA's 'Navarrómetro' (presented in *Figures 49* and *50*, and *Table 14*) is only available for parties/coalitions with representation in the X Legislature, and, that it is based on 'remembrance of the vote' – that is, the political stance of the interviewee is 'awarded' to the party he claims to have voted for in the last elections. The first issue affects (other than in having in general a limited source of data) in that there is no differentiation of UPN and PP, as they run in coalition together with Ciudadanos for the elections for the X Legislature. The rest of the parties had representation and the same configuration coalition wise as in the IX Legislature. The second issue makes us take the results with certain reluctance for the purpose we are using them, because they do not directly characterize the party's stance.

This last part (*Figure 49*) can already be felt to certain extent in *Figure 47*, as Navarra Suma is much more inclined to the left than in the case of the Congress of Deputies parties'/coalitions' (displayed in *Figures 43* and *45*). However, *Figure 49* still presents valuable insight at least in what comes to the different parties'/coalitions' relative position to one another in the left-right scale.

Figure 49: Left-right scale on the basis of 'remembrance of vote' for the parties/coalitions with representation in the Parliament of Navarre in the X Legislature



Source: Own elaboration on the basis of (UPNA, 2021, p. 167) – 'Tabla 4.9' there.

From the parties/coalitions present, EH Bildu, Podemos and PSN-PSOE (being the Navarrese branch of the PSOE) require no further explanation. As it has been said, NA+ is a coalition formed by PP, Ciudadanos and UPN. The first two, already addressed Spanish parties. The third, a party circumscribed to Navarre, the political position of which is usually categorized as 'right-wing foralism' (roughly characterizable as a right-wing pro-Spanish navarrism) and which has consistently been one of the two most represented parties/coalitions in the parliament since 1983 having been in government uninterruptedly from 1999 to 2015.

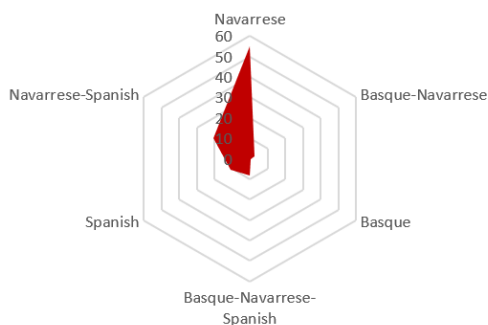
Geroa Bai is a Navarrese coalition formed by Geroa Socialverdes, EAJ-PNV, Atarrabia Taldea and Zabaltzen. Unlike the PNV by itself, the coalition can be positioned in a center-left place on the left-right spectrum, as it can be seen in *Figure 49*, which shows (unlike in the NA+ case) something consistent with existing literature on the issue (as it will be showed later). It has also a Basque nationalist component to its ideology, but this will be better addressed once we mention the ‘identity’ configuration.

Finally, in what comes, to briefly and generally presenting the parties/coalitions, we have Izquierda-Ezkerra that is a coalition formed by the Navarrese branch of IU together with Batzarre, a leftist coalition with a ‘basquist navarrism’ element (as it is evidenced by its historical trajectory as well).

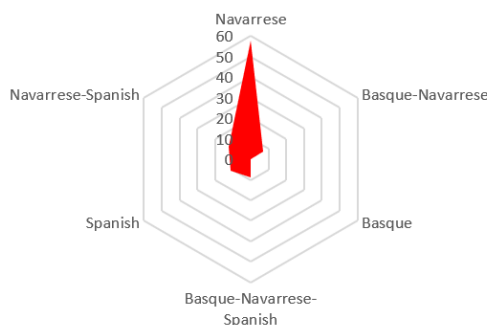
Some mentions have been made regarding the issue, but it is still necessary to explicitly address the regional/national identity element of the parties. Specially because the Navarrese case adds yet another layer of complexity: Navarrese identity, in addition to Spanish and Basque. *Figure 50* illustrates the ‘identity-configuration’ of the parties/coalitions (again coming from data based on ‘remembrance of vote’), which is presented in its entirety of options and detail in *Table 14*.

Figure 50: Identity sentiment in Navarre in 2019 (in what comes to the values of Navarrese, Basque, Spanish and their combinations) on the basis of 'remembrance of vote' for the six political forces represented in the Parliament of Navarre in its X Legislature

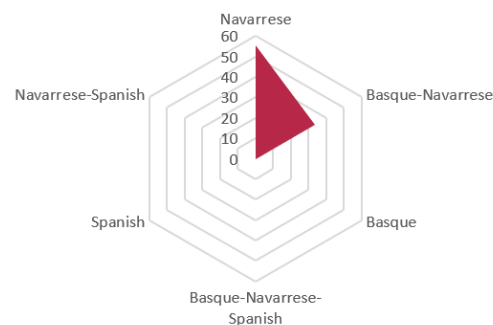
Navarra Suma (NA+)



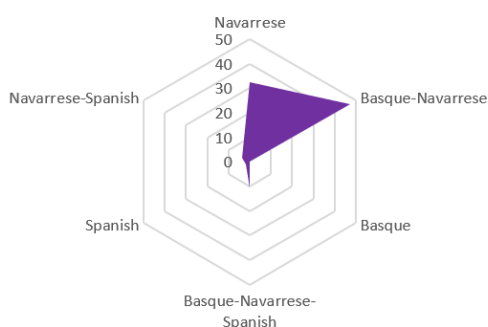
PSN-PSOE



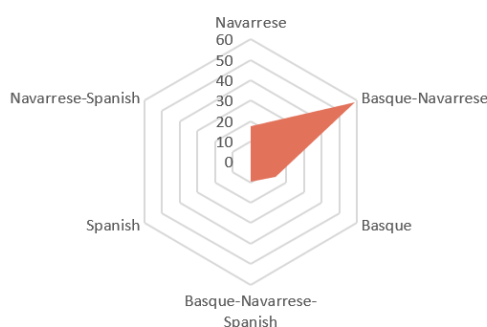
Izquierda-Ezkerra



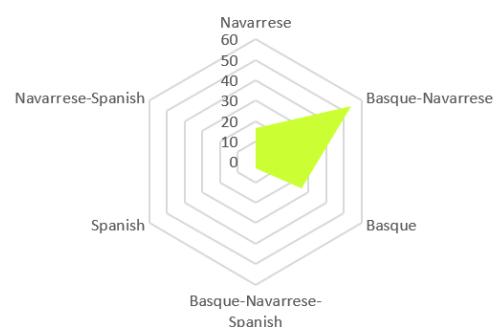
Podemos



Geroa Bai



EH Bildu



Source: Own elaboration out of data in (UPNA, 2019, p. 257) – ‘Tabla 4.3’ there, which is presented in this work, versioned, in Table 14.

Table 14: Identity sentiment in Navarre in 2019 on the basis of ‘reminder of vote’

	Navarrese	Basque	Basque-Navarrese	Spanish	European	Basque-Navarrese-Spanish	Navarrese-Spanish
TOTAL (OF NAVARRE)	44,4%	5,1%	21,5%	8,2%	2,9%	8,4%	9,4%
Navarra Suma (NA+)	54,8%	0,6%	2,6%	11,0%	1,9%	8,4%	20,6%
PSN-PSOE	57,6%	0,0%	5,2%	11,5%	2,9%	8,6%	12,2%
Geroa Bai	17,5%	14,3%	58,7%	0,0%	0,0%	9,5%	0,0%
EH Bildu	16,7%	26,0%	54,2%	0,0%	0,0%	3,1%	0,0%
Podemos - Ahal Dugu	32,7%	0,0%	47,3%	1,8%	3,6%	10,9%	3,6%
Izquierda-Ezkerra	55,6%	0,0%	33,3%	11,1%	0,0%	0,0%	0,0%
Others	35,7%	0,0%	14,3%	28,6%	0,0%	14,3%	7,1%
Blank vote	80,0%	0,0%	0,0%	5,0%	0,0%	10,0%	5,0%
Abstentions	48,4%	0,8%	18,0%	10,7%	6,6%	9,0%	6,6%
Could not vote (age)	75,0%	0,0%	12,5%	0,0%	12,5%	0,0%	0,0%
Does not remember	53,1%	3,1%	12,5%	9,4%	6,3%	0,0%	15,6%
No answer	44,1%	5,0%	17,3%	9,5%	3,4%	10,6%	10,1%

Source: (UPNA, 2019, p. 257) – Versioned (translated and some format elements)

First of all, this evidences the complexity of the identity issue highlighting, as part of it, the centrality of the Navarrese (both alone and combined) identity. But it also, allows for some preliminary rough categorization. First, there is a block combining NA+ and PSN-

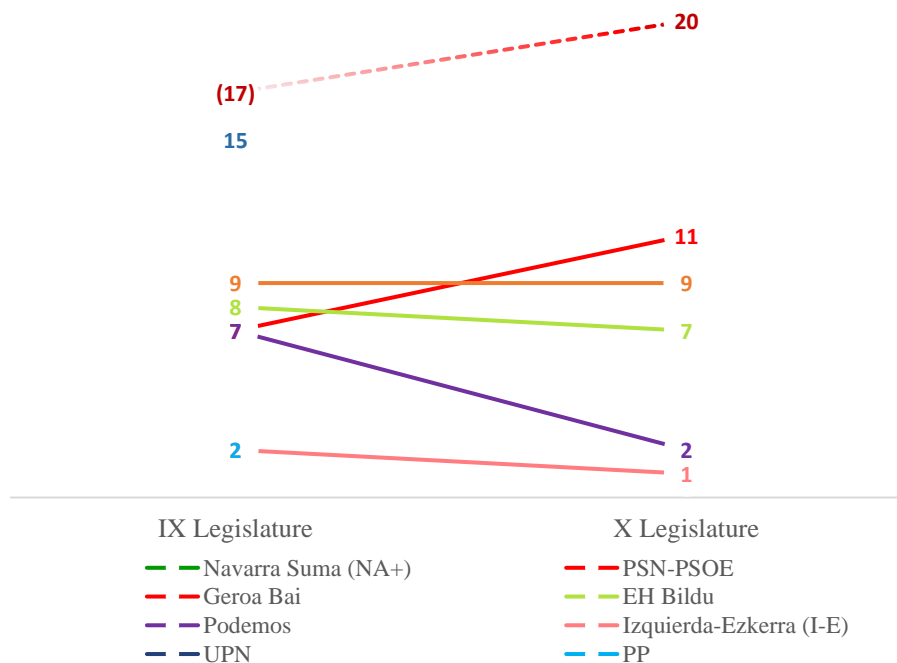
PSOE with the next characteristics: heavily ‘Navarrese’ with tendencies to ‘Navarrese-Spanish’ and ‘Spanish’, with practically no inclusion of ‘Basque’ or any combination of it. Second, EH Bildu + Geroa Bai, which conforms a ‘Basque-Navarrese’ heavy group, with considerable inclusion of ‘Basque’, with 0% ‘Spanish’ and a weaker ‘Navarrese’ level as far as the general level go. And lastly, there is the less homogenous group that Podemos and Izquierda-Ezkerra make up, which presents ‘Navarrese’ and ‘Basque-Navarrese’ as its main identity features (even if which of those is the main alternates for each), along with 0% ‘Basque’. For the sake of simplification, the groups will be identified in or with political terms that (in other terms) relate to this identity: ‘foralists’ for the first, ‘Navarrese Basque-nationalists’ for the second, and, ‘Navarrese and Basque-Navarrese identity non-nationalist left’ for the third.

Even if, as we stressed earlier, we have to take this data cautiously, due to it being based on ‘remembrance of vote’ and not a direct consideration of the parties/coalitions, it does seem to give us a reliable basis for consideration of the issue, as the consideration of both factors of political ideology presented with this data matches the general descriptions of the political configuration. That is to say that in Navarre “unlike in the Basque Country, the crossing of the two main lines of competition between left/right and nationalism/non-nationalism does not left/right and nationalism/non-nationalism does not define four political spaces [...] but three [...]. In other words, we have a truncated party system in a right-wing nationalist space, with nationalist forces competing exclusively on the left of the political spectrum. competing exclusively on the left of the political spectrum.” (Leonisio. 2015, p. 3). With a relevant distinction, however: when combining the considerations of both literature and data, PSN-PSOE is left in between being grouped with Podemos and Izquierda-Ezkerra as non-Basque nationalist leftists, or, being grouped with NA+ on the basis of being the ‘heavily ‘Navarrese’ with tendencies to ‘Navarrese-Spanish’ and ‘Spanish’ block and being to the right of all the parties/coalitions but NA+. Anyway, it has to be mentioned that, while this combination with NA+ may still present some interest for the analysis of the Navarrese Parliament specifically, the argument for it is much weaker than for grouping it with the ‘left’. PSOE in the Spain has represented the left/centre-left in opposition to the right/centre-right coped mainly by PP, PSE-EE in the Basque Country has to be included in the non-Basque nationalist space (as we have seen with *Figure 50*), but, even in Navarre it is now (X Legislature) heading the

government in coalition with Geroa Bai, Podemos and Izquierda-Ezkerra, and with EH Bildu having ‘allowed’ the investiture.

On a last informative note the evolution of the ‘parliamentary power’ of the parties/coalitions in the analysed legislatures is presented by *Figure 51*, with the only relevant note having to be set on the big demise of the leftist third ‘identity-sector’ (of ‘Navarrese’+‘Basque Navarrese’ with some ‘Spanish’ no ‘Basque’) that Podemos and Izquierda-Ezkerra conform.

Figure 51: Evolution in number of deputies of the parties/coalitions in the Parliament of Navarre in the last two legislatures



Source: own elaboration

After this overview of the political/parliamentary landscape of relevance to this work it should be easier to understand the categorizations finally employed, and the choice made for them.

The one on ‘political space’ serves as a synthetic approach to the political ideology/stance, more specifically in relation the Basque politics scenario. The 4-spaces-scheme is the one that sums up Basque politics best, in terms of complementing completeness and simplicity. The Spanish scenario can be quite easily assimilated into this scheme, understanding the nation-wide and the regionalist but not

nationalist/independentist parties as not Basque-nationalists and, then, just having to consider the usual left-right spectrum. As we have seen, the Navarrese scenario is more complex due to the role played ‘Navarrese’ as identity factor. However, in what comes to the Basque nationalist issue it can still be fitted into the same scheme on the basis of the same two axes. As we have seen it would be missing representation in one of the spaces, that is the Basque-nationalist right, but that does not affect the integration of its parties/coalitions into the (other three spaces of the) scheme. As stated in section 3.1.2, the addition of ‘Catalan nationalists’ as a fifth space/category responds to the difficulties for their assimilation under the Basque 4-spaces-scheme. They can quite easily be put into the left-right spectrum, but, even if they are nationalists, they are not Basque nationalists – specially if we consider it under the light of the (multifaceted) interplay between nationalism and ETA and the ETA-years. Furthermore, the relevance of the Catalan *procès* in the 2018-2022 temporal frame (mainly in the beginning of it) suggest the pertinence of including ‘Catalan nationalists’ as a distinct category. However, in any case, taking into consideration its weight into the employed sample (3% – see *Figure 38*) this category is likely to work more as ‘the remnant’.

In what comes to the ‘political force- main parties/coalitions-groupings’ categorizations, its justification may already seem obvious. The weight these forces have in the talks (see *Figure 39*) is already a strong argument, but it gets furthered and somehow explained by the political scenario broadly drawn here. As integrations such as PSN-PSOE and PSE-EE under broader PSOE seem straight forward enough, here, we will just briefly go over PP+UPN+C’s, adding I-E to Unidas Podemos and not linking Geroa Bai to EAJ-PNV.

The first is based on the difficulty and problematic elements of distinguishing those parties in the coalitions they form as NA+ or PP+C’s (in the Basque Country). Adding to that, the coalitions, as it should be expected, do not seem to present any strong incompatibility or incoherence among them, and, on this ground, neither does the overall PP+UPN+C’s category.

The second case, adding I-E to Unidas Podemos is based on the centrality of Izquierda Unida on I-E. It is still true that they present a distinct entity, as suggested by the role of Batzarre, the historic trajectory of I-E and Batzarre specially, and, the fact that it concurs separately to Podemos in Navarre (even when Unidas Podemos was/is a pretty firmly established coalition and even political brand). But, the element that out-weighs these counterarguments is the small weight it would have on the sample (2,69% of the message

units), and the possible representativeness issues that could derive from there. Taking into consideration its relatively considerable political proximity to Podemos in Navarre (both in left-right spectrum and on the identity factor), and its tights with Izquierda Unida, and thus, indirectly, with Unidas Podemos, it would seem out of place to have it stand alone.

The last case, that of Geroa Bai and EAJ-PNV, could be seen by some as an opposite stance to the one taken for I-E and Unidas Podemos; and, as such, incoherent. The participation of EAJ-PNV in Geroa Bai would be similar enough to that of Izquierda Unida in I-E that made for an argument in the previous paragraph. However, it does not seem to strong of claim. For, 1) Geroa Bai fits into another category in the 4-space-scheme, as it leans to the left, in contrast with the right-wing EAJ-PNV; and, 2) there is no problem with the presence of Geroa Bai in the sample, because, even if the smallest of the seven ‘big’ coalition/parties/conglomerates, it still amounts for a considerable 5,37% (doubling that of I-E).

So, these are the categorizations employed for the content analysis. However, coming from the explanation of the Spanish-Basque-Navarrese political landscape here displayed other categorizations can be built. Three of them are included in the Data Base (accessible through the link in Annex section B) in order to contribute for eventual future research. These are:

- 1) ‘Political forces - completely disaggregated’: distinguishing political parties/coalitions for each parliament. That is, there is EAJ-PNV (in CoD) and EAJ-PNV (in BP), as well as, a distinct NA+ from PP or UPN.
- 2) ‘Political forces - left-right’: on the basis of the left-right scale.
- 3) (For parties/coalitions in the Parliament of Navarre) ‘Political forces - Navarre identity grouping’: drawing on the previously explained distribution of parties/coalitions in Navarre having ‘identity’ as the main criteria.

F. CODEBOOK: CATEGORIZATIONS FOR THE CODING OF MESSAGE UNITS

Table 4: Message unit categorization codebook

Conceptual grounding (section)	Category	Code	Definitions	
3.1.1	Parliament	Congress of Deputies		
		Basque Parliament		
		Parliament of Navarre		
3.1.2	Political force' – main parties/ coalitions- groupings	PSOE		
		PP+C's+UPN		
		Unidas Podemos (adding I-E)		
		Vox		
		EAJ-PNV		
		EH Bildu		
		GB		
		Others		
	Political forces – political space	Basque-nationalist left		
		Basque-nationalist right		
		Non-(Basque-)nationalist left		
		Non-(Basque-)nationalist right		
		Catalan nationalists		
	3.1.3	3.1.3.1	Context-specific' categorization 1	Victims
Prisoners and prison policy				Parliamentary session section centered around issues of 'prisoners serving jail sentences in relation to ETA' - like transfers of the prisoners to prisons closer to their home, jail sentences, prison grades, or, conditions faced in prison or overall penitentiary situation -, or, prison policy overall, including questions about the transfer of prison policy competences to the Basque or Navarrese Autonomous Communities.
Tributes to prisoners/ETA-members and glorification of terrorism				Parliamentary session section that has as its main constitutive topic of talk (the topic generating the section) the tributes to ETA prisoners (or more generally, 'prisoners serving jail sentences in relation to ETA') - including the so called <i>ongietorri-s</i> (welcoming celebrations in the hometown of

			prisoners getting out of jail)-, tributes to ETA-members, and/or, glorification of terrorism.
		Truth (in terms of), memory and the 'narrative'	Parliamentary session section that has as its main constitutive topic of talk (the topic generating the section and on the basis of which other questions possibly included in the talk are considered) the construction of memory about 'the ETA years' (or some aspect/actor of relevance in them), and/or narratives about 'the ETA years' (or some aspect/actor of relevance in them) - possibly put in conflicting terms of 'battle of narratives, and/or truth-seeking.
		Education	Parliamentary session section centered around education, usually in relation to educative programs, on 'the ETA years' (or on elements of them) or of Human Rights but in a way generated by or in relation to 'the ETA years' and facing them.
		General coexistence plans or programs	Parliamentary session section that has coexistence plan/s or program/s as its main and constitutive topic - that means in a way that other specific issues are brought on the basis of the topic and reference set by the coexistence plan/s or program/s.
		Overarching policy making questions and political configurations in relation to the ETA-years	Parliamentary session section that has as its main and constitutive topic the political scenario and configurations (alliances, agreements, etc.) impacting the action related to 'facing the ETA-years'.
	Context-specific' categorization 2	Victims of human rights violations (in general)	Parliamentary session section referring to victims (in the context) of the 'ETA years' framed as victims of human rights violations - collectively, to certain segments or individually - in a way that the section revolves around them/him/her (and thier role) or their/his/her rights (in general or whichever), right to truth, recognition, reparations, memory, dignity...
		Victims of ETA (victims of terrorism)	Parliamentary session section referring to victims of the ETA (maybe framed in terms of 'victims of terrorism') collectively, to certain segments or individually, in a way that the section revolves around them/him/her (and thier role) or their/his/her rights (in general or whichever), right to truth, recognition, reparations, memory, dignity...
		'Other victims'	Parliamentary session section referring to victims of actors 'in the ETA-years' other than ETA (the State, police, right wing or 'uncontrolled' terrorist groups, GAL...), collectively, to certain segments or individually, in a way that the section revolves around them/him/her (and thier role) or their/his/her rights (in general or whichever), right to truth, recognition, reparations, memory, dignity...
		Prisoners and prison policy	Parliamentary session section centered around issues of 'prisoners serving jail sentences in relation to ETA' - like transfers of the prisoners to prisons closer to their home, jail sentences, prison grades, or, conditions faced in prison or overall penitentiary situation -, or, prison policy overall, including questions about the transfer of prison policy competences to the Basque or Navarrese Autonomous Communities.
		Tributes to prisoners/ETA-	Parliamentary session section that has as its main constitutive topic of talk (the topic generating the section) the tributes to

		members and glorification of terrorism	ETA prisoners (or more generally, 'prisoners serving jail sentences in relation to ETA') - including the so called <i>ongietorri-s</i> (welcoming celebrations in the hometown of prisoners getting out of jail)-, tributes to ETA-members, and/or, glorification of terrorism.
		Truth (in terms of), memory and the 'narrative'	Parliamentary session section that has as its main constitutive topic of talk (the topic generating the section and on the basis of which other questions possibly included in the talk are considered) the construction of memory about 'the ETA years' (or some aspect/actor of relevance in them), and/or narratives about 'the ETA years' (or some aspect/actor of relevance in them) - possibly put in conflicting terms of 'battle of narratives, and/or truth-seeking.
		Education	Parliamentary session section centered around education, usually in relation to educative programs, on 'the ETA years' (or on elements of them) or of Human Rights but in a way generated by or in relation to 'the ETA years' and facing them.
		General coexistence plans or programs	Parliamentary session section that has coexistence plan/s or program/s as its main and constitutive topic - that means in a way that other specific issues are brought on the basis of the topic and reference set by the coexistence plan/s or program/s.
		Overarching policy making questions and political configurations in relation to the ETA-years	Parliamentary session section that has as its main and constitutive topic the political scenario and configurations (alliances, agreements, etc.) impacting the action related to 'facing the ETA-years'.
3.1.3.2	TJ categorization	Justice: criminal prosecutions	Parliamentary session section that has as its core topic anything related to the element of TJ that is justice in its criminal prosecution sense; basically, "[p]rosecution initiatives [that] aim to ensure that those responsible for committing crimes, including serious violations of international humanitarian law and gross violations of international human rights law, are tried in accordance with international standards of fair trial and, where appropriate, punished" (UN, 2010, p. 7) being able to consider "[b]eyond de jure impunity (where laws are inadequate, either because they do not criminalise conduct that should be criminalised, or because they shield perpetrators from prosecution), de facto impunity [which] can also arise because of the challenging situations pertaining in post-conflict or post-authoritarian societies" (EU, 2015, p. 5) and maybe including "legislative action, law enforcement and judicial reform and capacity building, and should involve close cooperation with victims and civil society" (EU, 2015, p. 5) to this end.
		Truth-seeking	Parliamentary session section that has as its core topic anything related to the element of TJ that is truth-seeking; that is based on and includes as a main element the right to truth but considering also that "[b]eyond the importance for individuals to know the truth, it is also imperative for society as a whole to learn the truth regarding violations, including the identity of the perpetrators and the causes, facts and circumstances in which such violations took place" (EU, 2015, p. 6).

			<p>Reparations</p> <p>Parliamentary session section that has as its core topic the element of TJ that are reparations; which englobes initiatives that "seek to redress harm suffered by victims as a result of serious crimes under international law by providing a range of material and/or symbolic benefits to victims" (UN, 2015, p. 6).</p>
		<p>Institutional reform/guarantees of non-recurrence</p> <p>Parliamentary session section that has as its core topic the element of TJ that are institutional reforms and guarantees of non-repetition; an element that as a basic, focuses on how "[p]ublic institutions that helped perpetuate conflict or repressive rule must be transformed into institutions that sustain peace, protect human rights, and foster a culture of respect for the rule of law" (UN, 2010, p. 9) but also, "[b]eyond institutional reform, the guarantees of non-recurrence require further measures such as SSR, DDR, educational and constitutional/legislative reform" (EU, 2015, p. 7).</p>	
		<p>Overarching general policies or political configuration</p> <p>Parliamentary session section that it does not present any element of TJ as its core element, but instead, wider considerations on general policies or political configuration/context that somehow relate to the issue of 'facing the ETA-years'.</p>	

G. VARIABLES *DICTIONARY*

Table 16: Variables dictionary

Conceptual grounding (section)	Category	Subcategory	Terms used for coding
3.2.1	Terrorism		terrorismo, terrorista, terroristas
	Conflict		conflicto
	Crimes under ICL		
		Crimes against humanity	crímenes de lesa humanidad, crimen de lesa humanidad, crímenes contra la humanidad, crimen contra la humanidad
		Genocide	genocidio, genocidios, genocida, genocidas
	Human Rights		derechos humanos, derecho humano, derechos fundamentales, derecho fundamental
3.2.2	Prisoners (in total)		preso, presa, presos, presas
		Basque prisoners	presos vascos, preso vasco, presa vasca, presas vascas
		Political prisoners	presos políticos, preso político, presas políticas, presa política
		Basque political prisoners	presos políticos vascos, preso político vasco, presa política vasca, presas políticas vascas
		ETA prisoners	presos de ETA, presos etarras, presas de ETA, presas etarras, preso de ETA, preso etarra, presa de ETA, presa etarra
		Terrorist prisoners	presos terroristas, terroristas presos, preso terrorista, terrorista preso, presas terroristas, terroristas presas, presa terrorista, terrorista presa
		Prisoners of the 'band'	presos de la banda, presas de la banda, preso de la banda, presa de la banda
		Prisoners of the terrorist 'band'	presos de la banda terrorista, presas de la banda terrorista, preso de la banda terrorista, presa de la banda terrorista
		Prisoners of the organization	presos de la organización, presas de la organización, preso de la organización, presa de la organización
	Prisoners of the terrorist organization	presos de la organización terrorista, presas de la organización terrorista, preso de la organización terrorista, presa de la organización terrorista,	

	Victims (in total)	víctimas, víctima
	Victims of terrorism	víctimas del terrorismo, víctima del terrorismo
	Victims of ETA	víctimas de ETA, víctima de ETA, víctimas etarras, víctima etarra
	Victims of the terrorism of uncontrolled groups, far-right groups and the GAL	víctimas de los GAL, víctima de los GAL, víctimas del GAL, víctima del GAL, víctimas del BVE, víctimas del Batallón Vasco Español, víctima del BVE, víctima del Batallón Vasco Español, víctima de la Triple A, víctima de la AAA, víctima de la Alianza Apostólica Anticomunista, víctimas de la Triple A, víctimas de la AAA, víctimas de la Alianza Apostólica Anticomunista, víctimas de los Grupos Antiterrorista ETA. víctima de los Grupos Antiterrorista ETA, víctimas de los GAE, víctima de los GAE, víctimas del grupo Antiterrorismo ETA, víctima del grupo Antiterrorismo ETA, víctimas de ATE, víctima de ATE, víctimas de grupos incontrolados, víctima de grupos incontrolados, víctimas de un grupo incontrolado, víctima de un grupo incontrolado, víctimas de grupos de extrema derecha, víctima de grupos de extrema derecha, víctimas de un grupo de extrema derecha víctima de un grupo de extrema derecha
	Victims of security forces	víctimas policiales, víctimas de la policía, víctima policial víctima de la policía, víctima de la fuerza policial, víctimas de la fuerza policial, víctimas de la fuerza policial, víctimas de las fuerzas policiales, víctima de las fuerzas policiales, víctima del cuerpo policial, víctimas del cuerpo policial, víctima de los cuerpos policiales, víctimas de los cuerpos policiales, víctimas de las fuerzas de seguridad del Estado, víctimas de los cuerpos de seguridad del Estado, víctimas de los cuerpos y fuerzas de seguridad del Estado, víctima de las fuerzas de seguridad del Estado, víctima de los cuerpos de seguridad del Estado, víctima de los cuerpos y fuerzas de seguridad del Estado, víctima de las FCSE, víctima de las FSE, víctima de los CSE, víctimas de las FCSE, víctimas de las FSE, víctimas de los CSE, víctima de la Guardia Civil, víctimas de la Guardia Civil, víctima de la CG, víctimas de la GC, víctima de la Policía Nacional, víctimas de la Policía Nacional, víctima de la PN, víctimas de la PN, víctima de la Ertzaintza, víctimas de la Ertzaintza, víctima de la policía municipal, víctimas de la policía municipal
	‘All the victims’	todas las víctimas
3.2.3	Victory-defeat elements	victoria, vencer, vencido, vencida, vencí, venciste, venció, vencimos, vencisteis, vencieron, ganar, ganado, ganada, gané, ganaste, ganó, ganamos, ganasteis, ganaron, derrota, derrotado, derrotada, derroté, derrotaste, derrotó, derrotamos, derrotasteis, derrotamos, perder, perdido, pérdida, perdí, perdiste, perdió, perdimos, perdisteis, perdimos
3.2.4	Friends	demócratas, constitucionalistas
	Enemies	totalitarios, antidemócratas, anti-demócratas, antipluralistas, antipluralistas, los violentos

3.2.5	Action-guiding principles	Civism	civismo
		Coexistence	convivencia
		Democracy	democracia
		Dialogue	diálogo
		Dignity	dignidad
		Diversity	diversidad
		Equality	igualdad
		Freedom	libertad
		Honesty	honestidad
		Humanity	humanidad
		Justice	justicia
		Memory	memoria
		Peace	paz
		Pluralism	pluralismo
		Reconciliation	reconciliación
		Recognition	reconocimiento
		Respect	respeto
		Rule of Law	Estado de Derecho, Estado Constitucional y de Derecho
		Solidarity	solidaridad
		Truth	verdad

**H. RESULTS OF THE CONTENT-ANALYSIS (FULL TABLES):
FULL (ABSOLUTE) FREQUENCIES RESULTS + RELATIVE-
FREQUENCIES FOR THE CASE OF EACH CATEGORIZATION
AND FOR THE FULL SAMPLE**

Table 17: Full (absolute) frequency results

	FREQUENCY	% SHOWN	% PROCESSED	% TOTAL	NO. CASES	% CASES	TF • IDF
VICTIMS	1875	21,13%	0,51%	0,51%	268	80,00%	181,7
TERRORISM	903	10,18%	0,25%	0,25%	228	68,06%	150,9
TRUTH	635	7,16%	0,17%	0,17%	201	60,00%	140,9
JUSTICE	576	6,49%	0,16%	0,16%	185	55,22%	148,5
MEMORY	526	5,93%	0,14%	0,14%	165	49,25%	161,8
HUMAN RIGHTS	516	5,81%	0,14%	0,14%	150	44,78%	180,1
RECOGNITION	506	5,70%	0,14%	0,14%	150	44,78%	176,6
PRISONERS	445	5,01%	0,12%	0,12%	103	30,75%	227,9
VICTIMS OF TERRORISM	440	4,96%	0,12%	0,12%	146	43,58%	158,7
COEXISTENCE	346	3,90%	0,09%	0,09%	108	32,24%	170,1
DEMOCRACY	260	2,93%	0,07%	0,07%	112	33,43%	123,7
FREEDOM	208	2,34%	0,06%	0,06%	108	32,24%	102,3
RESPECT	188	2,12%	0,05%	0,05%	113	33,73%	88,7
VICTORY- DEFEAT ELEMENTS	170	1,92%	0,05%	0,05%	87	25,97%	99,5
'ALL THE VICTIMS'	164	1,85%	0,04%	0,04%	86	25,67%	96,8
DIGNITY	162	1,83%	0,04%	0,04%	88	26,27%	94,1
ETA PRISONERS	152	1,71%	0,04%	0,04%	71	21,19%	102,4
RULE OF LAW	152	1,71%	0,04%	0,04%	78	23,28%	96,2
PEACE	141	1,59%	0,04%	0,04%	70	20,90%	95,9
VICTIMS OF ETA	82	0,92%	0,02%	0,02%	58	17,31%	62,5
CONFLICT	65	0,73%	0,02%	0,02%	34	10,15%	64,6
FRIENDS	45	0,51%	0,01%	0,01%	31	9,25%	46,5

DIALOGUE	36	0,41%	0,01%	0,01%	27	8,06%	39,4
EQUALITY	35	0,39%	0,01%	0,01%	26	7,76%	38,9
GENOCIDE	31	0,35%	0,01%	0,01%	11	3,28%	46
HUMANITY	31	0,35%	0,01%	0,01%	20	5,97%	37,9
BASQUE PRISONERS	23	0,26%	0,01%	0,01%	14	4,18%	31,7
SOLIDARITY	23	0,26%	0,01%	0,01%	18	5,37%	29,2
CRIMES AGAINST HUMANITY	22	0,25%	0,01%	0,01%	8	2,39%	35,7
PRISONERS OF THE TERRORIST ORGANIZATION	19	0,21%	0,01%	0,01%	12	3,58%	27,5
RECONCILIATION	18	0,20%	0,00%	0,00%	10	2,99%	27,5
DIVERSITY	14	0,16%	0,00%	0,00%	9	2,69%	22
POLITICAL PRISONERS	14	0,16%	0,00%	0,00%	12	3,58%	20,2
TERRORIST PRISONERS	10	0,11%	0,00%	0,00%	10	2,99%	15,3
PRISONERS OF THE TERRORIST 'BAND'	9	0,10%	0,00%	0,00%	8	2,39%	14,6
PLURALISM	8	0,09%	0,00%	0,00%	8	2,39%	13
BASQUE POLITICAL PRISONERS	6	0,07%	0,00%	0,00%	6	1,79%	10,5
ENEMIES	6	0,07%	0,00%	0,00%	6	1,79%	10,5
VICTIMS OF THE TERRORISM OF UNCONTROLLED GROUPS, FAR-RIGHT GROUPS AND THE GAL	6	0,07%	0,00%	0,00%	6	1,79%	10,5
HONESTY	3	0,03%	0,00%	0,00%	3	0,90%	6,1
CIVISM	2	0,02%	0,00%	0,00%	2	0,60%	4,4
PRISONERS OF THE 'BAND'	1	0,01%	0,00%	0,00%	1	0,30%	2,5

Table 18: Full content-analysis results – frequency per 10,000 words – Full Sample

		Frequency (per 10,000 words)
3.2.1	TERRORISM	24,59
	CONFLICT	1,77
	CRIMES AGAINST HUMANITY	0,6
	GENOCIDE	0,84
	HUMAN RIGHTS	14,05
3.2.2	PRISONERS	12,12
	BASQUE PRISONERS	0,63
	POLITICAL PRISONERS	0,38
	BASQUE POLITICAL PRISONERS	0,16
	ETA PRISONERS	4,14
	TERRORIST PRISONERS	0,27
	PRISONERS OF THE 'BAND'	0,03
	PRISONERS OF THE TERRORIST 'BAND'	0,25
	PRISONERS OF THE ORGANIZATION	0
	PRISONERS OF THE TERRORIST ORGANIZATION	0,52
	VICTIMS	51,07
	VICTIMS OF TERRORISM	11,98
	VICTIMS OF ETA	2,23
	VICTIMS OF THE TERRORISM OF UNCONTROLLED GROUPS. FAR-RIGHT GROUPS AND THE GAL	0,16
	VICTIMS OF SECURITY FORCES	0
	'ALL THE VICTIMS'	4,47
3.2.3	VICTORY-DEFEAT ELEMENTS	4,63
3.2.4	FRIENDS	1,23
	ENEMIES	0,16
3.2.5	ACTION-GUIDING PRINCIPLES	
	CIVISM	0,05
	COEXISTENCE	9,42
	DEMOCRACY	7,08
	DIALOGUE	0,98
	DIGNITY	4,41
	DIVERSITY	0,38
	EQUALITY	0,95
	FREEDOM	5,67
	HONESTY	0,08
	HUMANITY	0,84
	JUSTICE	15,69
	MEMORY	14,33
	PEACE	3,84
	PLURALISM	0,22
	RECOGNITION	13,78

	RECONCILIATION	0,49
	RESPECT	5,12
	RULE OF LAW	4,14
	SOLIDARITY	0,63
	TRUTH	17,29

Table 19: Full content-analysis results – frequency per 10,000 words – by Parliament (3.1.1)

		Congress of Deputies	Basque Parliament	Parliament of Navarre
3.2.1	TERRORISM	39,28	19,89	17,43
	CONFLICT	2,9	1,01	1,74
	CRIMES AGAINST HUMANITY	0,19	1,08	0,35
	GENOCIDE	0	0,74	1,74
	HUMAN RIGHTS	9,46	19,82	10,72
3.2.2	PRISONERS	13,03	8,13	16,47
	BASQUE PRISONERS	1,54	0,27	0,26
	POLITICAL PRISONERS	0,58	0,2	0,44
	BASQUE POLITICAL PRISONERS	0,39	0,07	0,09
	ETA PRISONERS	7,43	2,08	3,83
	TERRORIST PRISONERS	0,77	0,13	0
	PRISONERS OF THE 'BAND'	0,1	0	0
	PRISONERS OF THE TERRORIST 'BAND'	0,68	0,07	0,09
	PRISONERS OF THE ORGANIZATION	0	0	0
	PRISONERS OF THE TERRORIST ORGANIZATION	1,54	0,13	0,09
	VICTIMS	49,8	61,82	38,26
	VICTIMS OF TERRORISM	20,17	11,42	5,32
	VICTIMS OF ETA	2,03	2,28	2,35
	VICTIMS OF THE TERRORISM OF UNCONTROLLED GROUPS. FAR-RIGHT GROUPS AND THE GAL	0	0,34	0,09
	VICTIMS OF SECURITY FORCES	0	0	0
	'ALL THE VICTIMS'	4,63	5,31	3,22

3.2.3	VICTORY-DEFEAT ELEMENTS		11,1	1,61	2,7
3.2.4	FRIENDS		2,22	0,67	1,05
	ENEMIES		0,1	0,13	0,26
3.2.5	ACTION- GUIDING PRINCIPLES	CIVISM	0,1	0,07	0
		COEXISTENCE	4,63	10,35	12,55
		DEMOCRACY	7,62	5,11	9,15
		DIALOGUE	1,35	0,6	1,13
		DIGNITY	8,4	3,16	2,44
		DIVERSITY	0	0,67	0,35
		EQUALITY	0,29	1,41	0,96
		FREEDOM	6,37	5,58	5,14
		HONESTY	0,1	0,07	0,09
		HUMANITY	0,39	1,28	0,7
		JUSTICE	12,84	14,85	19,35
		MEMORY	11,87	16,93	13,16
		PEACE	3,67	3,09	4,97
		PLURALISM	0,1	0,34	0,17
		RECOGNITION	6,08	19,02	13,95
		RECONCILIATION	1,16	0,4	0
		RESPECT	6,18	4,64	4,79
		RULE OF LAW	6,76	2,89	3,4
		SOLIDARITY	0,29	0,87	0,61
		TRUTH	14,28	17,67	19,52

Table 20: Full content-analysis results – frequency per 10,000 words – by 'political force' political space (3.1.2)

		Basque-nationalist left	Basque-nationalist right	Non-(Basque-)nationalist left	Non-(Basque-)nationalist right	Catalan nationalists
3.2.1	TERRORISM	8,11	21,85	24,82	33,29	24,38
	CONFLICT	4,06	0,6	0,97	1,86	0
	CRIMES AGAINST HUMANITY	1,72	0	1,06	0,59	0
	GENOCIDE	1,09	0,4	0,79	0,3	0
	HUMAN RIGHTS	15,13	27,81	15,49	7,06	17,73
3.2.2	PRISONERS	19,5	10,33	9,94	11,07	13,3
	BASQUE PRISONERS	1,87	0,2	0,09	0,59	2,22
	POLITICAL PRISONERS	0,31	0,2	0,18	0,52	4,43
	BASQUE POLITICAL PRISONERS	0,62	0	0	0,15	0
	ETA PRISONERS	0,62	1,99	2,2	8,4	0
	TERRORIST PRISONERS	0	0	0	0,74	0
	PRISONERS OF THE 'BAND'	0	0	0	0,07	0
	PRISONERS OF THE TERRORIST 'BAND'	0	0	0,09	0,59	0
	PRISONERS OF THE ORGANIZATION	0	0	0	0	0
	PRISONERS OF THE TERRORIST ORGANIZATION	0	0	1,32	0,3	0
	VICTIMS	58,34	71,52	57,29	34,63	53,19
	VICTIMS OF TERRORISM	3,12	12,91	13,29	14,86	8,87
	VICTIMS OF ETA	3,59	1,59	1,67	2,38	0
	VICTIMS OF THE OF TERRORISM	0,16	0,4	0,26	0	0

		UNCONTROLLED GROUPS. FAR-RIGHT GROUPS AND THE GAL					
		VICTIMS OF SECURITY FORCES	0	0	0	0	0
		'ALL THE VICTIMS'	7,64	5,56	5,02	2,16	2,22
3.2.3	VICTORY-DEFEAT ELEMENTS		0,94	1,39	7,48	4,83	15,51
3.2.4	FRIENDS		0,31	0,2	2,11	1,34	0
	ENEMIES		0,16	0	0	0,37	0
3.2.5	ACTION-GUIDING PRINCIPLES	CIVISM	0	0	0,09	0,07	0
		COEXISTENCE	14,51	11,52	10,47	5,65	0
		DEMOCRACY	4,06	3,58	10,65	6,69	11,08
		DIALOGUE	1,25	1,19	1,67	0,22	0
		DIGNITY	1,25	4,37	3,26	6,99	2,22
		DIVERSITY	0,47	1,19	0,18	0,22	0
		EQUALITY	1,56	1,19	0,79	0,74	0
		FREEDOM	3,74	8,74	5,9	5,35	2,22
		HONESTY	0	0,2	0,18	0	0
		HUMANITY	1,25	1,59	0,53	0,67	0
		JUSTICE	19,19	17,28	15,84	13,67	4,43
		MEMORY	12,48	22,85	18,48	8,92	2,22
		PEACE	7,49	2,98	5,1	1,19	8,87
		PLURALISM	0,31	0,79	0,09	0,07	0
		RECOGNITION	18,09	24,83	15,75	6,17	6,65
		RECONCILIATION	0,47	0,2	0,7	0,07	11,08
		RESPECT	5,46	5,76	5,63	4,38	2,22
	RULE OF LAW	0,47	1,59	9,06	2,82	0	
	SOLIDARITY	0,47	1,19	0,97	0,22	0	
	TRUTH	21,68	24,83	15,31	14,57	2,22	

Table 21: Full content-analysis results – frequency per 10,000 words – by 'political force' main political parties/coalitions-groupings (3.1.2)

		EH Bildu	GB	EAJ- PNV	Unidas Podemos (adding I-E)	PSOE	PP+C's+UPN	Vox
3.2.1	TERRORISM	6	12,26	21,85	11,17	33,35	30,74	39,9
	CONFLICT	5,75	1,36	0,6	0,45	1,15	2,33	0,32
	CRIMES AGAINST HUMANITY	1	1,36	0,4	2,01	0	0,39	0
	GENOCIDE	0,75	3,63	0	2,23	0,29	0,58	0,64
	HUMAN RIGHTS	13	17,7	27,81	23,23	11,17	8,37	2,9
3.2.2	PRISONERS	18	24,06	10,33	16,08	4,87	10,8	11,91
	BASQUE PRISONERS	3	0	0,2	0	0,14	0,58	0,64
	POLITICAL PRISONERS	0	0,91	0,2	0,22	0,14	0,68	0
	BASQUE POLITICAL PRISONERS	1	0	0	0	0	0	0,64
	ETA PRISONERS	0	1,82	1,99	1,56	2,29	7,98	9,97
	TERRORIST PRISONERS	0	0	0	0	0	0,68	0,97
	PRISONERS OF THE 'BAND'	0	0	0	0	0	0	0,32
	PRISONERS OF THE TERRORIST 'BAND'	0	0	0	0	0,14	0,68	0,32
	PRISONERS OF THE ORGANIZATION	0	0	0	0	0	0	0
	PRISONERS OF THE TERRORIST ORGANIZATION	0	0	0	0	2,15	0,1	0,97
	VICTIMS	68,25	38,13	71,52	65,01	52,1	33,56	37,33
	VICTIMS OF TERRORISM	1,75	5,9	12,91	4,91	17,75	13,42	19,31
	VICTIMS OF ETA	3,5	4,09	1,59	2,68	1	2,04	3,54
	VICTIMS OF THE TERRORISM UNCONTROLLED	0,25	0	0,4	0,45	0,14	0	0

	GROUPS. FAR-RIGHT GROUPS AND THE GAL							
	VICTIMS OF SECURITY FORCES	0	0	0	0	0	0	0
	'ALL THE VICTIMS'	7,25	7,26	5,56	8,27	3,44	2,33	1,61
3.2.3	VICTORY-DEFEAT ELEMENTS	1,5	0	1,39	1,12	11,31	5,35	2,9
3.2.4	FRIENDS	0,5	0	0,2	0,22	3,29	1,56	0,64
	ENEMIES	0,25	0	0	0	0	0,39	0,32
3.2.5	ACTION-GUIDING PRINCIPLES							
	CIVISM	0	0	0	0	0,14	0,1	0
	COEXISTENCE	12,75	19,06	11,52	5,81	13,03	6,03	4,5
	DEMOCRACY	1,75	8,62	3,58	9,38	11,31	7,2	5,15
	DIALOGUE	0,5	2,72	1,19	1,34	1,72	0,29	0
	DIGNITY	1	1,82	4,37	1,56	4,29	6,81	7,4
	DIVERSITY	0	1,36	1,19	0	0,29	0	0,97
	EQUALITY	1,5	1,82	1,19	1,12	0,57	0,88	0,32
	FREEDOM	2,75	5,9	8,74	3,13	7,44	5,16	5,79
	HONESTY	0	0	0,2	0,22	0,14	0	0
	HUMANITY	1,25	1,36	1,59	1,34	0	0,68	0,64
	JUSTICE	21	16,34	17,28	29,71	7,16	14,01	12,87
	MEMORY	9,5	19,06	22,85	11,84	21,9	7,78	12,23
	PEACE	7,75	7,72	2,98	7,82	2,86	1,36	0,64
	PLURALISM	0	0,91	0,79	0	0,14	0	0,32
	RECOGNITION	20	11,35	24,83	17,43	16,03	6,71	4,18
	RECONCILIATION	0,75	0	0,2	1,56	0,14	0	0,32
	RESPECT	4,25	8,17	5,76	2,9	6,3	4,09	5,47
	RULE OF LAW	0	1,36	1,59	6,26	10,74	3,4	0,97
	SOLIDARITY	0,25	0,91	1,19	1,12	0,57	0,19	0,32
	TRUTH	23,25	19,52	24,83	22,34	11,02	16,15	9,65

Table 22: Full content-analysis results – frequency per 10,000 words – by context-specific thematic categorization 1 (3.1.3.1)

		Victims	Prisoners and prison policy	Tributes to prisoners/ ETA-members and glorification of terrorism	Truth (in terms of), memory and the 'narrative'	Education	General coexistence plans or programs	Overarching policy making questions and political configurations in relation to the ETA-years
3.2.1	TERRORISM	18,8	26,81	32,97	21,68	50,31	17,84	23,93
	CONFLICT	2,32	0,92	1,5	0	2,06	1,78	0,89
	CRIMES AGAINST HUMANITY	0,95	0	0	0	1,65	0	0
	GENOCIDE	0,47	0	0,86	0	7,01	1,78	0
	HUMAN RIGHTS	19,23	5,26	10,71	16,44	14,02	7,14	0,89
3.2.2	PRISONERS	1,58	46,39	10,28	0	0,41	0	11,52
	BASQUE PRISONERS	0,26	1,97	0,64	0	0	0	0
	POLITICAL PRISONERS	0,26	0,92	0,21	0	0	0	0,89
	BASQUE POLITICAL PRISONERS	0,05	0,53	0,21	0	0	0	0
	ETA PRISONERS	0,84	14,72	2,57	0	2,06	0	6,2
	TERRORIST PRISONERS	0,21	0,79	0	0	0	0	0
	PRISONERS OF THE 'BAND'	0,05	0	0	0	0	0	0
	PRISONERS OF THE TERRORIST 'BAND'	0,05	0,92	0	0	0,41	0	0
	PRISONERS OF THE ORGANIZATION	0	0	0	0	0	0	0
	PRISONERS OF THE TERRORIST ORGANIZATION	0,05	2,23	0,21	0	0	0	0
	VICTIMS	73	22,74	39,18	26,16	31,34	10,71	14,18
	VICTIMS OF TERRORISM	13,17	7,89	12,63	9,72	18,56	3,57	9,75
	VICTIMS OF ETA	2,05	1,31	3	3,74	4,95	1,78	0,89
	VICTIMS OF THE TERRORISM UNCONTROLLED OF	0,26	0	0	0	0,41	0	0

		GROUPS. FAR-RIGHT GROUPS AND THE GAL							
		VICTIMS OF SECURITY FORCES	0	0	0	0	0	0	0
		'ALL THE VICTIMS'	6,06	1,84	4,28	1,49	4,12	0	2,66
3.2.3	VICTORY-DEFEAT ELEMENTS		3,58	8,94	2,57	2,24	2,89	3,57	8,86
3.2.4	FRIENDS		1,42	0,79	1,5	0,75	0,82	0	1,77
	ENEMIES		0	0,13	0,43	0,75	0,41	0	0,89
3.2.5	ACTION-GUIDING PRINCIPLES	CIVISM	0,05	0	0	0	0,41	0	0
		COEXISTENCE	6,79	4,73	15,42	2,99	14,84	115,99	3,54
		DEMOCRACY	7,53	3,15	7,49	20,93	4,95	12,49	9,75
		DIALOGUE	0,47	1,45	0,21	0	2,89	7,14	3,54
		DIGNITY	4,21	5,52	4,71	1,49	3,3	1,78	6,2
		DIVERSITY	0,21	0,13	0,64	0	0,41	7,14	0,89
		EQUALITY	1,21	0,79	0	0	2,06	1,78	0
		FREEDOM	4,79	5,91	8,99	6,73	4,95	7,14	4,43
		HONESTY	0,05	0	0,21	0	0	1,78	0
		HUMANITY	0,95	1,18	0,21	0,75	0,82	0	0
		JUSTICE	22,39	10,65	6,64	11,21	5,77	5,35	6,2
		MEMORY	17,49	6,97	10,06	20,93	21,03	14,28	6,2
		PEACE	3,27	2,5	4,07	2,99	8,66	14,28	7,09
		PLURALISM	0,11	0,13	0,21	0,75	0,82	0	0,89
		RECOGNITION	21,23	2,76	9,21	8,97	8,66	3,57	3,54
		RECONCILIATION	0,42	0,92	0,64	0	0	0	0
		RESPECT	3,63	6,31	6,85	2,99	7,83	17,84	5,32
	RULE OF LAW	5,74	3,02	1,5	3,74	2,06	1,78	1,77	
	SOLIDARITY	0,58	0,13	0,64	0	2,47	3,57	0	
	TRUTH	22,07	10,78	11,56	17,19	8,25	19,63	23,04	

Table 23: Full content-analysis results – frequency per 10,000 words – by context-specific thematic categorization 2 – victims' subcategories (3.1.3.1)

		Victims of human rights violations (in general)	Victims of ETA (victims of terrorism)	'Other victims'
3.2.1	TERRORISM	7,33	34,93	13,87
	CONFLICT	2,85	3,45	1,68
	CRIMES AGAINST HUMANITY	0	0,58	1,33
	GENOCIDE	0,41	0	0,71
	HUMAN RIGHTS	33,8	10,36	20,14
3.2.2	PRISONERS	0	3,65	0,97
	BASQUE PRISONERS	0	0,96	0
	POLITICAL PRISONERS	0	0,38	0,27
	BASQUE POLITICAL PRISONERS	0	0,19	0
	ETA PRISONERS	0	2,3	0,35
	TERRORIST PRISONERS	0	0,38	0,18
	PRISONERS OF THE 'BAND'	0	0,19	0
	PRISONERS OF THE TERRORIST 'BAND'	0	0,19	0
	PRISONERS OF THE ORGANIZATION	0	0	0
	PRISONERS OF THE TERRORIST ORGANIZATION	0	0,19	0
	VICTIMS	84,71	68,7	72,44
	VICTIMS OF TERRORISM	6,11	34,35	4,95
	VICTIMS OF ETA	1,63	2,69	1,86
	VICTIMS OF THE TERRORISM OF UNCONTROLLED GROUPS. FAR-RIGHT GROUPS AND THE GAL	0,41	0,19	0,27

		VICTIMS OF SECURITY FORCES	0	0	0
		'ALL THE VICTIMS'	3,26	4,61	7,33
3.2.3	VICTORY-DEFEAT ELEMENTS		1,22	7,48	2,3
3.2.4	FRIENDS		0,41	1,73	1,5
	ENEMIES		0	0	0
3.2.5	ACTION-GUIDING PRINCIPLES	CIVISM	0	0	0,09
		COEXISTENCE	2,44	12,09	5,3
		DEMOCRACY	5,29	6,14	8,66
		DIALOGUE	0	1,54	0,09
		DIGNITY	1,63	7,68	3,18
		DIVERSITY	0	0,19	0,27
		EQUALITY	2,44	1,34	0,88
		FREEDOM	2,85	7,68	3,89
		HONESTY	0	0	0,09
		HUMANITY	0	0,58	1,33
		JUSTICE	12,22	14,97	28,01
		MEMORY	5,29	20,34	18,82
		PEACE	0,81	5,37	2,83
		PLURALISM	0	0	0,18
		RECOGNITION	30,54	16,5	21,38
		RECONCILIATION	0,81	0,58	0,27
	RESPECT	1,63	5,18	3,36	
	RULE OF LAW	8,14	4,03	6,01	
	SOLIDARITY	0,41	0,96	0,44	
	TRUTH	16,7	15,54	26,24	

Table 24: Full content-analysis results – frequency per 10,000 words – by TJ thematic categorization (3.1.3.2)

		Truth-seeking	Reparations	Institutional reform/ guarantees of non-recurrence	Overarching general policies or political configuration
3.2.1	TERRORISM	16,5	23,79	32,34	21,34
	CONFLICT	1,11	2,42	1,19	1,19
	CRIMES AGAINST HUMANITY	2,08	0,17	0,4	0
	GENOCIDE	1,11	0,28	1,69	0,59
	HUMAN RIGHTS	19	16,91	7,34	2,96
3.2.2	PRISONERS	0,42	4,17	35,21	7,71
	BASQUE PRISONERS	0	0,45	1,39	0,59
	POLITICAL PRISONERS	0,42	0,17	0,69	0,59
	BASQUE POLITICAL PRISONERS	0	0,11	0,4	0
	ETA PRISONERS	0,42	1,47	11,61	3,56
	TERRORIST PRISONERS	0	0,23	0,6	0
	PRISONERS OF THE 'BAND'	0	0,06	0	0
	PRISONERS OF THE TERRORIST 'BAND'	0	0,06	0,79	0
	PRISONERS OF THE ORGANIZATION	0	0	0	0
	PRISONERS OF THE TERRORIST ORGANIZATION	0	0,11	1,69	0
	VICTIMS	46,31	71,72	24,7	11,85
	VICTIMS OF TERRORISM	7,49	15,39	10,22	5,93
	VICTIMS OF ETA	1,66	2,65	2,18	0,59
	VICTIMS OF THE TERRORISM OF UNCONTROLLED GROUPS. FAR-RIGHT GROUPS AND THE GAL	0,28	0,17	0,1	0
	VICTIMS OF SECURITY FORCES	0	0	0	0

		'ALL THE VICTIMS'	4,44	5,92	2,38	1,78
3.2.3	VICTORY-DEFEAT ELEMENTS		2,36	3,72	6,94	10,08
3.2.4	FRIENDS		1,53	1,35	0,69	1,78
	ENEMIES		0,14	0,11	0,2	0,59
3.2.5	ACTION- GUIDING PRINCIPLES	CIVISM	0,14	0	0,1	0
		COEXISTENCE	4,3	9,75	7,24	40,9
		DEMOCRACY	10,82	7,22	3,47	11,26
		DIALOGUE	0,42	0,45	1,79	4,15
		DIGNITY	1,8	5,13	4,76	5,93
		DIVERSITY	0,14	0,34	0,2	2,96
		EQUALITY	0,14	1,24	1,09	0,59
		FREEDOM	4,3	6,26	5,65	5,33
		HONESTY	0,14	0,06	0	0,59
		HUMANITY	2,22	0,23	1,09	0
		JUSTICE	23,02	17,2	9,42	5,93
		MEMORY	17,33	15,96	10,32	8,3
		PEACE	2,63	3,78	3,97	8,89
		PLURALISM	0,14	0,17	0,3	0,59
		RECOGNITION	16,08	19,34	4,17	2,96
		RECONCILIATION	0,28	0,51	0,69	0
		RESPECT	3,33	4,62	6,75	8,3
	RULE OF LAW	7,35	3,83	2,48	3,56	
	SOLIDARITY	0,42	0,62	0,69	1,19	
	TRUTH	26,48	17,31	10,12	20,74	

I. ACCESS-LINK TO THE KWIC RESULTS

As it was the case with the presentation of the access-link to the employed database (in section B of the Annex), the results of the KWIC indexation on the basis of the measured variables and employed categorizations accessible here are made available for the sake of transparency (on some statements made on the results in this work) and to allow further research and considerations (qualitative in this case) on the basis of these results.

The following is the link to the KWIC results – stored in Google Drive:

<https://drive.google.com/drive/folders/1CDvn89aXI5qDarW1OryYbwyYy3FURES>
[O?usp=sharing](#)

The link gives access to two folders, one with the KWIC results as reports in DOCX format, and, the other, in XCLX format spreadsheets. In both cases the results are presented in a document for each measured variable with > 0 frequency.