

## Apology and Spanish Criminal Law at the Post-Sentencing Level: the Gap Between Legal Provisions and Victims and Offenders' Experiences in Cases of Terrorism

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### Abstract

This paper deals with the Spanish provisions in criminal law requesting apology by offenders in organized crime, including terrorism. In order to grant parole, apology is required, among other possible means provided by law, to accredit the abandonment of the ends and means of the terrorist activity. Those legal provisions will be contrasted with the experience and narratives of victims and offenders in cases of terrorism. Final conclusions will be derived in relation to the possibility of restorative apologies in these contexts.

### Key words

Apology; post-sentencing; Spain; terrorism; restorative justice

### Resumen

Este artículo aborda las provisiones españolas en materia de derecho penal que solicitan la petición de perdón de los delincuentes del crimen organizado, incluyendo el terrorismo. Entre otras medidas posibles que plantea la ley, para obtener la libertad condicional se requiere una disculpa, para acreditar el abandono de los fines y los medios de la actividad terrorista. Estas provisiones legales se contrastarán con la experiencia y las narraciones de víctimas y delincuentes en casos de terrorismo. Se ofrecen conclusiones finales en relación con la posibilidad de disculpas restaurativas en estos contextos.

### Palabras clave

Disculpas; después de la sentencia; España; terrorismo; justicia restaurativa

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*"Why should we apologize? Is it because we have killed enemies of our people?  
Because they have obliged us ..."*<sup>1</sup>

## 1. Introduction

The use of the word 'gap' in the title of this paper does not strictly refer to legal realism as a critique to legal formalism to better understand the law actually being applied. We examine here the Spanish legislation on apology at the post-sentencing level for organized crime in contrast to how it is applied, and how it is experienced in the real and diverse lives of victims and offenders. We introduce the methodological perspective of *Phenomenology* in this kind of victimization, particularly in cases of terrorism, which owes some credit to Ehrlich's *lebendes Recht* (Hertogh 2009). This paper focuses not on how crime is produced, but on what happens to its main actors years after. As Wertz (2015, p. 83) contends: "The goal and subject matter of this method are to understand what has been called "consciousness" or "lived experience," and in doing so phenomenology seeks to freshly clarify and shed light on the very meaning of these words".

The Spanish penal code refers to apology in two contexts with different meanings (Boldó 2014). The first one is forgiveness as initiated by the victim. This form of forgiveness has been regulated in the Spanish criminal system over centuries (Tomás y Valiente 1961, Alonso Rimo 2002). Even the possibility of a victim's forgiveness in crimes such as rape has been allowed until recent times. More and more this possibility has been restricted to some of the so-called private and semi-private crimes<sup>2</sup>. Today, a victim's forgiveness, as a cause that fully extinguishes criminal accountability, is envisaged in article 130 of the penal code. Such forgiveness must be granted explicitly before the sentence is handed down<sup>3</sup>, to which end the judge must hear the victim and necessarily take into account her forgiveness to dismiss the case. In case of crimes against minors or the incapacitated in need of special protection, judges having heard the public prosecutor and the victim's representative, may reject the forgiveness and order proceedings or the serving of the sentence to continue. The law only mentions the word "forgiveness" and this might be done by the victim without having received an apology.

The key idea behind this regulation is that the public interest in criminal law must prevail upon the restricted possibility of 'private' forgiveness. In the last two decades this kind of forgiveness has been articulated as apology in the form of restorative justice in many parts of Spain. Restorative justice is defined in article 1. d of the Directive 2012/29/EU (European Parliament and Council of the European Union 2012) establishing minimum standards on the rights, support and protection of victims of crime<sup>4</sup> as "any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party". The preamble of the Directive includes references to victim-offender mediation, family group conferencing and sentencing circles.

Beyond legal provisions in Spain, restorative justice public schemes broadly open the possibility of considering apology at the pre-sentencing<sup>5</sup>, sentencing and post-

<sup>1</sup> Excerpt from the proven facts within the judicial decision of the Spanish National Court (Sentencia de la Audiencia Nacional, Sala de lo penal, núm. 50, de 17 de junio de 2009).

<sup>2</sup> These are crimes of discovery and revelation of secrets (art. 201. 3); slander and defamation (art. 215.3); and damage caused due to serious negligence, in an amount exceeding 80.000 €(art. 267).

<sup>3</sup> Before the reform of the 15/2003 Law (Ley Orgánica 15/2003), victim's forgiveness could be granted before post-sentencing.

<sup>4</sup> There is no explicit mention of apology, forgiveness or symbolic reparation in this Directive.

<sup>5</sup> According to the legality principle in civil law countries, Spanish public prosecutors don't have a general power to dismiss cases. However, the Spanish Criminal Procedural Act reform of 2015 (Ley Orgánica 13/2015) has introduced certain discretion for public prosecutors to dismiss the cases in minor crimes when mediation is provided. This has been long in practice for juveniles, particularly since the enactment of article 19 of the Organic Act 5/2000 (Ley Orgánica 5/2000), regulating penal responsibility for minors.

sentencing stage of any kind of crime<sup>6</sup>, but they are mainly used for minor offences. This is particularly the case for juvenile justice (Igartua 2015, Olalde 2015). In those schemes, within the context of restorative justice, symbolic reparation might be provided by promoting the apology of offenders and the victims' forgiveness.

The second context of apology in Spanish criminal law is the post-sentencing level in cases of organized crime, including terrorism. This is provided in articles 90. 8 and 92. 2 of the penal code and article 72. 6 of the Organic General Penitentiary Law (Ley Orgánica 1/1979), reformed by the Spanish Organic Law 7/2003 (Ley Orgánica 7/2003). Here the initiative is taken by the offender in order to be granted certain rights and parole after having served three fourths of the sentence and being classified in the so-called "third tier". Again, restorative justice has been proposed to facilitate this kind of apology, but in most cases victims do not have a major role.

This paper deals with this second apology context, contrasting legal provisions and stakeholders' experiences with specific concentration in the case of ETA terrorism. With a Marxist ideology, ETA (*Basque Homeland and Freedom*) emerged in 1959 and has perpetrated terrorist violence as an instrument for independence from Spain and France (Muro 2008). The ceasefire of ETA, but not complete disbandment, was made public on October 20, 2011<sup>7</sup>.

In order to contextualize the magnitude of ETA's victimization, we quote Landa (2013, p. 1-2):

According to the most recent official Base Report on Human Rights Violations in the Basque Country for the period of time between 1960 and 2013, the number of deaths amounts to 837: the vast majority of them as a result of terrorist attacks (811); 15 following abduction; 3 still missing; and the rest due to other circumstances (Carmena and Landa 2013, p. 12). That report also includes data relating to people injured by the actions of ETA, reporting between 2,365 and 2,600 as the total number of casualties. 2,179 people injured in terrorist attacks; 15 abducted and shot in the leg; 41 abducted and released; 6 abducted and released by security forces; 97 abducted to steal a vehicle; 27 injured in the context of so-called street violence. Further relevant data deals with the number of terrorist attacks (around 3,600), economic extortion (thousands of people), people forced to use bodyguards (between 1,500 and 2,000) and incidents of street violence (approx. 4,500) (Carmena *et al.*, 2013, p. 12). The complete picture of the violence, however, cannot leave aside violations of human rights committed by the State or actors connected to the State before and after the establishment of

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This act uses the term "conciliation" and defines it as the minor providing psychological satisfaction to the victim by showing remorse and being willing to apologize. This apology has to be accepted by the victim. The act distinguishes between conciliation and reparation. Conciliation can also be considered at the post-sentencing level (art. 51). See also articles 5, 15 and 60. 5 of the Royal Decree Act 1774/2004 (Real Decreto 1774/2004) regulating the Organic Act 5/2000 (Ley Orgánica 5/2000). Any kind of restorative justice scheme should respect article 12 of the Directive 2012/29/EU (European Parliament and Council of the European Union 2012). This article has been transposed into article 15 of the Spanish 4/2015 Act (Ley 4/2015).

<sup>6</sup> For other crimes outside terrorism and organized crime probation is possible for sentences up to two years and when an effort to repair is proven. It can include developing a restorative justice program (art. 80 of the Spanish penal code, after its amendment in 2015). In the final glossary of the Recommendation CM/Rec(2010)1 of the Council of Europe on Probation Rules (adopted by the Committee of Ministers on 20 January 2010 at the 1075th meeting of the Ministers' Deputies), restorative justice is defined as follows: "Restorative justice includes approaches and programmes based on several underlying assumptions: a. that the response to crime should repair as much as possible the harm suffered by the victim; b. that offenders should be brought to understand that their behaviour is not acceptable and that it has had some real consequences for the victim and the community; c. that offenders can and should accept responsibility for their action; d. that victims should have an opportunity to express their needs and to participate in determining the best way for the offender to make reparation, and e. that the community has a responsibility to contribute to this process".

<sup>7</sup> To read ETA's public declaration, see ETA (2011). According to data of *Etixerat* (2016), a support organization of family members of prisoners, at the beginning of 2016, there were 293 ETA inmates in Spanish prisons, 85 in France and 1 in Portugal.

democracy: counterterrorism abuses were added to the uninterrupted period of repression since the Spanish Civil War onwards.

However, considering that ETA caused further victimization during democracy, there is a deep social and academic debate on the link of Franco's dictatorship and the emergence and persistence of ETA, as well as on the systematic character and political meaning of abuses by different police forces –including French ones- during democracy (López Romo 2014, Arregi 2015). This debate is important to understand the different meanings of apology to different stakeholders in the Basque Country and Spain.

## **2. Apology and Spanish criminal law and programmes at the post-sentencing level: the case of terrorism**

### *2.1. Legal provisions on apology*

The regulation of terrorism in the Spanish penal code has been described as a breach of the principles of individualized rehabilitation and non-discrimination, mainly after the reform operated by the above mentioned Organic Law 7/2003 (Ley Orgánica 7/2003) in relation to the full and effective completion of the sentence.

Prisoners serving a sentence for terrorism and organized crime have a specific penitentiary policy that, among other things (Landa 2014, p. 3), implies the requirement of three additional conditions in order to progress into the third tier – release back into the community, or to obtain parole:

- a) An irreversible security period (article 36. 2 penal code).
- b) Full completion of the sentence (article 78 penal code), and
- c) Abandonment and collaboration (article 72. 6 Organic General Penitentiary Law) (Ley Orgánica 1/1979)<sup>8</sup>.

According to art. 90. 8 and 92. 2 of the penal code, after the 1/2015 reform, in order to grant parole:

(...) the convict must show unequivocal signs of having abandoned the ends and means of the terrorist activity and of having also actively collaborated with the authorities, either to prevent other criminal offences being committed by the organisation or terrorist group, or to mitigate the effects of his criminal offence, or to identify, capture and prosecute those responsible for terrorist offences, to secure evidence, or to prevent the activities or development of the organizations or associations to which he has belonged or with which he has collaborated, which may be accredited by a specific declaration of disavowal of their criminal activities and abandoning violence, and specifically apologising to the victims of his criminal offence, as well as by means of technical reports that accredit that the convict has really cut off ties with the terrorist organisation and the environment and activities of unlawful associations and groups that surround these, and that he has collaborated with the authorities<sup>9</sup>.

Thus, apology seems regulated as a mere way to prove the requirement of abandonment. This provision can be related to the new possibility, as introduced by the article 13 of the 4/2015 Law on the Statute of the Victims of Crime (Ley 4/2015), that victims may be informed and appeal certain decisions at the post-sentencing level (Nistal Burón 2015). If victims have indicated that they want to be informed, they can appeal the granting of penitentiary releases and parole. However, it is not provided explicitly that victims must be notified about apologies.

Apart from this, in order to get parole and with the exception of those who become insolvent, all prisoners must have paid the civil liability costs arising from the felony (art. 72. 5 and 6 of the General Penitentiary Organic Law) (Ley Orgánica 1/1979).

<sup>8</sup> See also art. 102 of the Penitentiary Regulations (Faraldo 2014, p. 16).

<sup>9</sup> Official translation into English of the Spanish criminal code provided by the Ministry of Justice.

Some authors have criticized that the stress on victims' rights endangers the social rehabilitation and other prisoner's rights, which are extremely important at the post-sentencing level. Accordingly it is argued, at this level the victim should not be given such a protagonist role because social rehabilitation should come before retribution or general preventive considerations (Landa 2014, p. 10, Faraldo 2014). There is debate about whether victims should have any rights with respect to post-sentencing decisions. Moreover, some reject the interpretation of apologies as a *sine qua non condition* to show repentance in order to progress to the third tier. However, this will largely depend on the political climate and the logic of the criminal justice system itself. If the logic is mainly centered on the punishment of offenders, instead of the reparation of victims, political misuse and misinterpretation of victims' needs and rights will be more likely.

## 2.2. Restorative justice programs to favor apology

During this time, the legal provision concerning apology for terrorism was implemented as a mere declarations in a petition of pardon to be signed by some prisoners, but which was never provided to the victims. In fact, some of those declarations contained the expression "I apologize by statutory imperative" If read by victims, it is likely that this would have caused more harm to them by "secondary victimization" (Varona 2009).

Paradoxically, in the Spanish regulations to protect victims of terrorism, restorative justice is not explicitly mentioned, although several principles derived from it should be taken into account as basis for this practice.

Without any relationship to the legal provisions, restorative encounters in cases of ETA terrorism started as an innovative project under the initiative of prisoners of the so-called *via Nanclares* in 2011 (Varona 2013, 2014). Prisoners wanted to face their victims and some wanted to personally apologize.

The so-called *via Nanclares* prisoners are a minority who have undergone self-criticism of their former activity, have made petitions for pardon to the victims, have paid their civil liability, and have abandoned ETA (Landa 2014, p. 3). Restorative encounters were made public at the end of 2011. They were greeted by a strong outcry of mistrust and harsh criticism by some victims' associations and the independent left<sup>10</sup>, albeit there was satisfaction by the restorative process participants and most human rights activists (Pascual 2013, Olalde 2014, Varona and Soletto 2014).

By the end of 2011, eleven victims had met with ex-ETA terrorists. In five of those cases, victims met with an ex-terrorist condemned for their victimization or belonging to the same terrorist cell responsible for the killing. Only in one case was communication carried out by letter. The rest included letters and face-to-face encounters, inside or outside prison, with the help of experienced facilitators. Some of these encounters ended with an apology by the offender that was interpreted in different ways by the victims, as discussed later<sup>11</sup>.

After the Spanish general elections of November 2011, the new Interior Ministry of the People's Party (PP) was skeptical of the restorative project and encounters, which were suspended temporarily. Later, on the 26<sup>th</sup> of April 2012, PP presented its own reinsertion plan where *reparative* encounters could be implemented in order to ask for forgiveness considering the legal provisions<sup>12</sup>. The original promoters

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<sup>10</sup> This term is used by Basque left wing parties looking for the independence of the Basque Country such as *Batasuna* or *Aralar*.

<sup>11</sup> Cfr. the case of Maixabel Lasa, as commented below.

<sup>12</sup> *Programa para el desarrollo de la política penitenciaria de reinserción individual en el marco de la ley*. This program could be applied not only to ETA but also to other terrorist groups and organized crime. It foresees educational and training workshops for prisoners. In this sense, *reparative* encounters are just one possibility within the program related to obtaining penitentiary benefits, the third tier or grade,

criticized this plan because of its alarmist media coverage; its priority to victims for the promotion of these encounters; and the lack of trained facilitators and preparatory meetings (Urkijo *et al.* 2012).

In June 2012, the sister of a politician who had been killed expressed to penitentiary institutions her desire to meet with one of those condemned for the killing who had previously showed remorse. She stated that she wanted to prove the pointlessness of the reinsertion plan. After the encounter, she declared that she listened to his apology, but that what she really wanted was to ask him to collaborate with justice 'by identifying other terrorists and helping to resolve other crimes'. According to her, the prisoner did not answer this even though he knew how central truth is for victims. After asking him when he entered ETA and the areas in which he had operated, she read him a list of fourteen unsolved crimes committed in those areas. As far as she was concerned, if there was no collaboration with justice, asking for forgiveness 'is useless'. She believed that rehabilitation did not require the killer to meet with her. She further stated that she did not need any apology: 'I neither forgive nor forget ... it is impossible to forgive him for a crime that causes something as irremediable as death. The person who should forgive is dead. I cannot forgive for him'<sup>13</sup>.

She expressed her concern about these encounters because they might cause further suffering for victims. She also criticized both the central and Basque governments for not having asked victims their opinion prior to undertaking the initiative: 'They want to muddle our brains and minds with talk of forgiveness and repentance ... What really comforts all victims is knowing the truth about those who killed our relatives and that those killers are condemned and given penalties in keeping with their crimes and made to serve them'.

In terms of comparative experiences abroad (Horgan and Braddock 2010)<sup>14</sup>, it seems unrealistic to think that prisoners will be willing to face the stigma of 'snitch' when only a minority of them have taken the step to face the stigma of 'traitor' before ETA members and supporters. Moreover, restorative justice programs are individualized programs that require the free participation of the person concerned who cannot speak for others.

According to most criminal law academics (Landa 2014, p. 9):

Taking collaboration further into broader aims like concrete collaboration with the authorities, or declation, in order to reveal relevant information concerning facts and persons cannot be required in a penitentiary policy context as a necessary condition of recategorisation. Nevertheless, such extraordinary collaboration should make it possible to obtain special benefits, as is the case at the sentencing stage (article 579,4 penal code).

This is also the point of view stated in the Peace and Coexistence Plan of the Basque Government through the so-called 2014 *Hitzeman* program for social rehabilitation of prisoners where restorative justice is mentioned on several occasions, even though no specific programs have been developed because the Basque Government does not manage prisons (Basque Government 2014)<sup>15</sup>.

The following diagrams illustrate, in summary, the main political, social and academic positions in conflict:

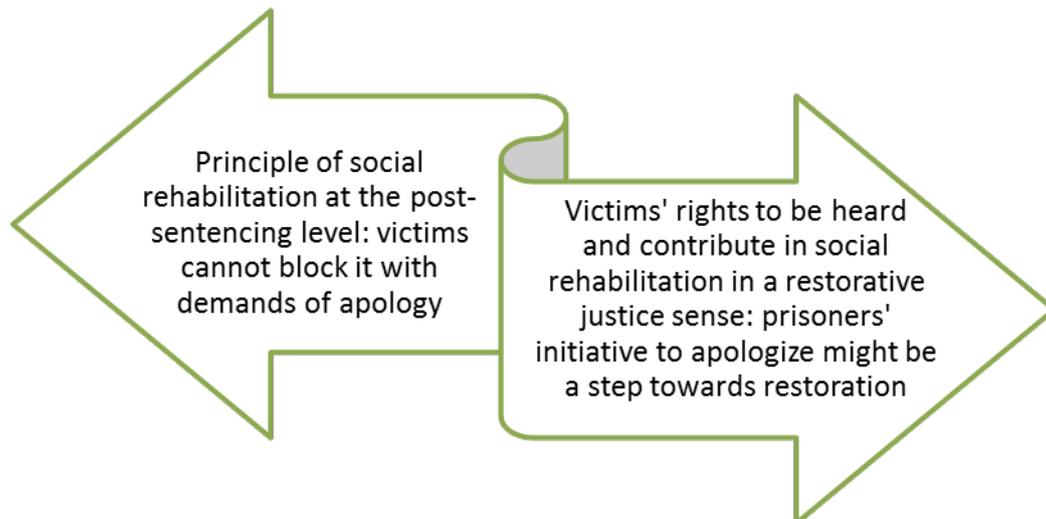
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conditional release or a semi liberty regime for prison sentences. Cfr. art. 72 of the Penitentiary Law (Ley Orgánica 1/1979).

<sup>13</sup> For a better contextualization of this case, see Martínez (2012).

<sup>14</sup> Horgan and Braddock (2010) analyze how so-called de-radicalization programs operate in five countries (Ireland, Colombia, Indonesia, Yemen and Saudi Arabia) without clear results on conceptualizing interventions to change the behavior of terrorist offenders.

<sup>15</sup> Some authors argue for a *pro reo* interpretation inspired by the so called flexible model of prison administration provided in article 100. 2 of Prison Regulations (Landa 2014, p. 13). Related to the criminal law principle *in dubio pro reo*, a *pro reo* interpretation means that interpretation of legal uncertainties should always be done in favour of the defendant, also at the post-sentencing level.



### 3. Apology law in action as experienced by stakeholders: in particular offenders and victims

We have referred to the position of several stakeholders (policy makers, politicians, activists and academics) considering the regulation of apology in cases of terrorism. Now we concentrate on the experiences of apology and forgiveness by victims and offenders. To do so we analyze the results of our empirical studies on victims of terrorism and their families in the Basque Country (De la Cuesta 2014, Varona 2015, 2016). Both qualitative and quantitative methodologies have been used in these studies, which primarily used focus groups and interviews with victims<sup>16</sup> and offenders<sup>17</sup>.

In our 2013 study, our research team attempted to reach the whole universe of registered secondary victims (around 400). In order to do that we used the Basque Government database of family members of murdered victims by terrorist organizations since 1960, mainly ETA. We obtained 154 responses to our questionnaire administered via face-to-face, ordinary mail and e-mail. We inquired about restorative justice and its meaning. Additionally, we developed two focus groups with 24 victims of family members whose loved ones were murdered by terrorist organizations in the Basque Country. Within the same line of research, using the snowball technique, in our 2014 and 2015 studies, we continued developing focus groups with the same type of victims – also including direct victims or survivors. Most family members, considered as indirect victims, were middle-aged widows, sisters or daughters of the murdered person. In the 2014 and 2015 studies, we worked with 36 victims. And in the 2015 study we also interviewed two offenders who were out of prison after a long sentence.

In this section we discuss the meaning of apology. We believe it is more than the general meaning of restorative justice. We conclude that restorative justice, as understood today, is the most coherent theory for victims' and offenders' interests concerning apologies and forgiveness.

We also take into account empirical categorization based on interpersonal conflicts in relation to the universal needs of victims, as discussed in the work of Kirchhoff, Strack & Wagner (2013). Those needs, which should be contextualized and individualized, are the for respect, meaning, acceptance, well-being, -efficacy, and safety. Kirchhoff *et al.* (2013) argue that these needs must be addressed in order

<sup>16</sup> These are mainly victims of ETA but also of other terrorist groups operating in the Basque Country.

<sup>17</sup> We have analyzed some statements by offenders who belonged to ETA (Varona 2014, 2016, De la Cuesta 2015).

to achieve reconciliation<sup>18</sup>. We contend that free apology can relate to all of these needs.

Our research shows that apologies are intimate and personal processes between victims and offenders. This does not exclude public impact and social dimensions, but free will, help of facilitators and resources from other agents should always be guaranteed for a positive outcome in terms of human rights.

Public debate favors confusion of terms: acknowledgment of the harm done, accountability, repentance, remorse (see Bandes 2013). To clarify, Rohne (2008) proposes a three-level analysis of restorative justice: the process or dynamics (mediation / panels, conferences, circles), the results (reparation / reinsertion / recovery / restoration) and the objectives (justice / reconciliation / forgiveness). In Spanish law apology is envisioned as merely the proof of terrorism abandonment. In that sense the law applies an instrumental view of victims and apology. However, for many victims we interviewed, apology is considered a process where sincerity should be shown more than other results, one not necessarily without forgiveness as an objective, but as part of symbolic reparation. This reparation is understood by some as a form of justice for irreparable harms including murder. In comparison to the two case studies, Maixabel Lasa's case is an example of the diversity and dynamics of victimizations. She implicitly forgives and she seems to be more interested in reconciliation rather than reparation. However these are elusive terms that change with every person and context. This is so in the case of Iñaki Rekarte.

Accepting apology and forgiveness brings relief to the victim and in that sense it can be a unilateral process more for her rather than the offender (Armour and Umbreit 2004, Echeburúa 2013, Okimoto *et al.* 2013). However any regulation of apology in criminal law usually looks for benefits shortening the offender's prison sentence (Echano 2009). This can create confusion for the victim and her expectation of a sincere and meaningful apology.

In the end, some understanding is needed around who should apologize to whom (contemplating both private and public apology), about what, when, how and what for. The following fragments illustrate the variety of victims' and offenders' opinions<sup>19</sup> in the context of this article. Without an in-depth analysis here but by considering the complexity and variety of victims' and offenders' opinions, the following extracts from focus groups and interviews illustrate what some of their unique needs and experiences were:

### 3.1. *Who should apologize to whom?*

- The killer of my husband asked for forgiveness, but to whom and what for? (v1-2015).
- Different family members of the person who was killed have different opinions. Some want to forgive. Others do not (v2-2015).
- I don't think that the term "terrorism" helps people (who have fought in armed organizations) to participate in peace processes (o1-2014).
- I don't think I want an apology, I don't know what an apology is. This will be kept within myself, but I do want a public acknowledgement of what happened and perhaps one thing will lead to another (v3-2015).

<sup>18</sup> See, in particular on victims of terrorism, Lynch and Argomaniz (2015), Pemberton (2014) and Renner and Spencer (2012).

<sup>19</sup> These opinions are extracted from the research indicated in the first paragraph of this section. "V" stands for victim and "O" for offender.

### 3.2. *About what?*

- I can only think in terms of apology and forgiveness by thinking that he (the offender) is coming back to society (v1-2015).
- You cannot force victims to forgive, but offenders should reflect on their responsibility towards the victims ... Apologizing should not be seen as something that humiliates or stigmatizes but as a revolutionary act of accountability (v9-2013).
- He apologized to me as a member of the terrorist group responding of all attacks committed by the organization. I was assured that he would not obtain any kind of legal benefit (v9-2013).

### 3.3. *When?*

- After so many years after the attack, offenders have not been brought to justice. Probably they will never be. I cannot forgive because I still cannot put into words what happened. When I think about it, it is just like being 15 again (v1-2015).
- Nobody has apologized when getting out of prison (v2-2015).
- I don't need apologies because I have already done my work. If the perpetrator would need to apologize and has done his itinerary, perhaps I might listen to him for the sake of human solidarity, to listen to another human being that says 'help me, I want to apologize'. But, of course, before that, justice has to be done and that includes collaborating with the administration of justice. This has not been done in the restorative encounters. This is putting the cart before the horse (v3-2015).

### 3.4. *How?*

- I have had the experience of a restorative encounter with people of the via Nancrales. They apologized to me, but without using the word apology. I forgave them without using that word either (v1-2015).
- You can get to forgive if the person who apologizes is sincere (v2-2015).
- To repair the past, reflection based on ethical principles must be done. All sufferings, mine and yours, should be recognized and rejected, but this cannot be done as a legal obligation. It is obvious that we acknowledge the use of suffering, we justified it for political ends. We should not have done that. It was wrong to think that anything goes. Everyone will have to reflect on that. I acknowledge I have produced harm, conscious of what I was doing, and it was not justified. But it is not fair to make prisoners the only responsible of the harm produced because there were also political ideologists of what was done ... For me it would have been easier not to recognize this so I wouldn't have been rejected by other prisoners and neighbors. It was not that I was tired or I wanted to get out of prison, it was that I wanted to change ... It is not a question of the passing of time. We should not allow let bygones be bygones. We should face victims and acknowledge that their suffering was unjust and should have never happened, independently of who was the perpetrator. It is insufficient to look for the truth only in judicial terms. I want to say to young people that we were not monsters, but young people who were wrong about the use of violence (o3-2015).

### 3.5. *What for?*

- At first I didn't want to participate in the restorative encounters and now I am not saying they are a panacea ... Those who apologize keep being people who have killed, but their discourse can be very useful from an ethical standpoint: killing is bad (v1-2015).
- But, paradoxically, later, they suffer amnesia, they don't remember other killings (v2-2015).
- It is not about amnesia, they are treated as traitors by the terrorist organization, but they don't want the stigma of informers (v3-2015).

- To avoid identification of other offenders is not coherent with the centrality that they say they give to the victims. They know how important truth is for them (v4-2015).
- Perhaps there should be legal provisions for better scenarios for favoring apology and truth (v5-2015).
- I feel well having accepted his apologies and letting his life go (v6-2013).
- I would not allow any kind of apologies about my father's murder (v7-2013).
- We could contribute with our forgiveness, because we are a lot of victims without hate (v8-2013).
- To remember is a work, first, of an individual character, each one about the part for which he/she is responsible or has experienced pain or both things. It implies a journey towards oneself to, later in a second phase (analytical not chronological), continue with an endless work of empathy, mainly towards the victims. From a collective point of view, not necessarily institutional, means gathering individual wills or engagements, acknowledging differences. To remember is an emotional, cognitive, social and existential journey towards the abyss. I am talking as a person who is immersed in such a journey. It means to wonder about psychological, family, groups, social ... factors. It is a journey that surprises you with the unexpected. One doesn't know of what was able to do, generating countless and irreparable suffering, but one doesn't know either of what he is able to in positive terms now ... positive unexpected experiences include the forgiveness or nearing by victims, even if indirectly... perhaps in other kind of crimes repentance is easier because there is not such a social context (o2-2015).

In order to reach some provisional conclusions on some aspects of the polyphony of voices shown above, we will briefly comment on two study cases: the case of a victim Maixabel Lasa, and the case of a former ETA prisoner Iñaki Rekarte (2015). The information on these cases comes from academic literature, statements and books by Lasa and Rekarte's in their own narrative, as well as interviews of them in the media.

### 3.6. *The case study of Maixabel Lasa: beyond victimization*

Maixabel Lasa is a woman whose husband was killed by ETA. Later she worked as expert and head of the Basque Government Unit for Victims of Terrorism. This happened the restorative encounters took place. She was asked to participate and she met one of the perpetrators involved in her husband's murder. Later, the perpetrator participated in a remembrance ceremony together with the facilitator of the encounter. According to him, it was a way to prolong the "gesture of apologizing" in the encounter, by broadening it to the local and social sphere, and allow creating new interpersonal spaces where community, especially young and sensitive members, might participate. During that remembrance act, the perpetrator brought with him thirteen red roses and a white one to symbolize the possibility of thinking in terms of future and reparation after so many years of suffering.

During a public debate after a theater play about the restorative encounters<sup>20</sup>, Maixabel Lasa declared that she is not interested in apology. When the perpetrator apologized, she said to him that she had no answer because the person who was killed should be the one to be asked to. She said she did not want to tell him whether she forgave him or not, but she wanted to accept his apology, help him and thank him for his gesture. This could be taken as an implicit form of accepting apology. In this sense, the victim takes the main role in the process by determining the meaning she wants to provide to the apology. It also avoids the apology becoming a heavy burden required of victims instead of being adequately offered to them in restorative terms. By saying nothing she is not limited by the myth in society of the need for forgiving or being a revengeful victim (as different types of

<sup>20</sup> The debate took place in the *Principal* Theater of Donostia-San Sebastián, on the 10<sup>th</sup> of March, 2016.

ideal victims in some communities in the Basque Country are portrayed), even if she does forgive in the end.

### 3.7. *The case study of Iñaki Rekarte: beyond offending*

Iñaki Rekarte is an ex-member of ETA who at the end of his imprisonment participated in restorative encounters and has written a book on the experience of desistance and apologizing (Rekarte 2015)<sup>21</sup>. He described this process as a very slow one which starts by questioning the legitimacy of violence (Montero 2015). He did not feel well about the situation: "We apologize when we accidentally run into someone and we don't apologize for killing? ... It is hard to be alone, outside the group that doesn't want to apologize". For the terrorist group repentance and apologizing are taboo. According to Rekarte, trying to forgive oneself is even more difficult.

After the restorative encounters (with a vicarious victim), Rekarte was interviewed by Spanish television and was asked by the journalist about the names of his murdered victims. He said he could not remember them. The daughter of a murdered couple wrote an open letter to him in a newspaper saying that that interview hurt her deeply and that she would never forgive him. She questioned the sincerity of his apology and the centrality of the offender's role in that interview.

## 4. Some provisional conclusions

This paper has not dealt with the concept of apology within macro politics in relation to transitional justice but rather with interpersonal apology that is related to restorative justice and micro and community politics (Chaparro 2007, Garrido-Rodríguez 2008, de Gamboa 2014, Lacey and Pickard 2015). The aim of restorative justice, as defined in the 2012/29/EU Directive (European Parliament and Council of the European Union 2012), is reparation, which might include symbolic reparation in the form of apologies.

The general concept of apology in Spanish criminal law is that it shows the abandonment of terrorism and it mitigates the impact of crime, although academic and activist discussion shows that there is debate about how this should be proved and legally considered. From the point of view of legislation, it is not consistent with victims and offenders' rights that apology is addressed in the post-sentencing stage only for cases of organized crime and terrorism.

According to Zamora (2012, p. 168), apology can be identified with a rupture, bringing a new time with a different logic: the logic of non-reciprocity, but generosity. Moreover the etymologic sense of forgiveness is "giving with abundance". In order to pay attention or to attend some legitimate victims' needs, legal provisions could create conditions for restorative apology where ceremonies of stigmatization and revictimization should be avoided or at least minimized. By restorative apology we mean apology (and maybe forgiveness) provided in a restorative context, defined by a free dialogic encounter towards reparation, with the contribution of the community.

Current Spanish legal provisions should be amended to think in terms of restorative apology. Due to its personal character and intangible dimensions, we find it quite difficult for criminal law to regulate apology (Echano 2009). However, given the interest of victims and offenders in apology and the increasing international standards of restorative justice, we contend that regulation can be given in a minimum and flexible form so that those scenarios are possible and accessible, and potential abuses controlled.

Regulating apology in restorative justice terms (Carlen 2012) might bring forms of participatory justice where the sense of control and agency (Pacherie 2007,

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<sup>21</sup> For other prisoners' testimonies, see the interviews by Terradillos (2016).

Montero Linares 2012) is provided for both victims and offenders. According to Christie (1981), the sense of justice is socially constructed in social interaction. Here state law is the grammar: "The ideal type of participatory justice would be one based on the participants' own sense of justice — their legal local dialect. The more the rules are laid down by the State, the greater are the chances that agreements between parties will not suffice — as seen from the state's point of view". The sense of justice is seen as a social construction that depends on how we understand ourselves and how we see and react to crime. Justice cannot be reduced by the law to technical administration. Even if Christie's utopian vision of justice has to face theoretical and practical contradictions (Morrison 1990, p. 288-291), it helps to explore the limits of the law.

The place of apology in this field should be within the realm of restorative justice, as a set of international principles of justice and human rights. In terms of legal provisions, that place should be a small one so that the grammar of law provides basic guarantees for all participants but it does not enslave restorative justice practices. Regulation and evaluation of practices should be envisaged and implemented. Restorative justice is about meeting the unique needs of individuals.

Notwithstanding the best of intentions far from politics, apology will always be somehow instrumental (e.g., for vindication, reparation, reconciliation) and we will have to define what "instrumental" means for each one. In interpersonal terms, the crucial issue lies in the kind of listening and judgment of trustworthiness given by the audience to which is addressed. In legal terms, this can be encouraged but not assured for the victim or society. There will always be the unforgiving conditions; the "emotional consequence of the perceived distance between the desired justice and the victim's sense of injustice" and forgiveness might have an implicit character rather than an explicit one in contexts of restorative justice (Armour and Umbreit 2004, p. 1-3).

Although restorative justice researchers have been reflecting about this for a long time, further studies are needed because society<sup>22</sup>, policy makers, victims, offenders and other stakeholders understand apology in very different ways, underlining its complex matrix of dimensions, and, simultaneously, the personal, social and political relevance of its meaning.

## References

- Alonso Rimo, A., 2002. *Víctima y sistema penal. Las infracciones no perseguibles de oficio y el perdón del ofendido*. Valencia: Tirant lo Blanch.
- Armour, M.P., and Umbreit, M.S., 2004. The paradox of forgiveness in restorative justice. In: E.L. Worthington, ed. *Handbook of Forgiveness*. New York: Brunner/Routledge, 491-503.
- Arregi, J., 2015. *El terror de ETA. La narrativa de las víctimas*. Madrid: Tecnos.
- Bandes, S., 2013. Remorse and demeanor in the courtroom: Cognitive science and the evaluation of contrition. *DePaul Legal Studies Research Paper*, (14-05).
- Basque Government, 2014. *Hitzeman, la "vía legal"*. Programa de apoyo a los procesos legales de resocialización de personas presas [online]. Vitoria-Gasteiz: Secretaría de Paz y Convivencia. Available from: [http://www.ogasun.ejgv.euskadi.net/r51-catpub/es/k75aWebPublicacionesWar/k75aObtenerPublicacionDigitalServlet?R01HNoPortal=true&N\\_LIBR=051593&N\\_EDIC=0001&C\\_IDIOM=es&FORMATO=.pdf](http://www.ogasun.ejgv.euskadi.net/r51-catpub/es/k75aWebPublicacionesWar/k75aObtenerPublicacionDigitalServlet?R01HNoPortal=true&N_LIBR=051593&N_EDIC=0001&C_IDIOM=es&FORMATO=.pdf) [Accessed 5 May 2016].

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<sup>22</sup> On the divided public opinion of the Basque society on the place of apology and repentance in the rehabilitation process of prisoners, see the surveys carried out by the Eukobarometer and Deustobarometer, freely accessible via Internet.

- Boldó, G., 2014. El perdón nominal frente al perdón real en el derecho penal: acercamiento hacia la reparación de daño. *Diario jurídico* [online], 19 February. Available from: <http://www.diariojuridico.com/el-perdon-nominal-frente-al-perdon-real-en-el-derecho-penal-acercamiento-hacia-la-reparacion-de-dano/> [Accessed 5 May 2016].
- Carlen, P., 2012. *Against rehabilitation: For reparative justice. Lecture given to the Centre for Crime and Justice Studies on 6 November* [online]. London: Centre for Crime and Justice Studies. Available from: <https://www.crimeandjustice.org.uk/resources/against-rehabilitation-reparative-justice> [Accessed 5 May 2016].
- Carmena, M., et al., 2013. *Base Report on Human Rights Violations in the Basque Country (1960-2013)*. Vitoria-Gasteiz: Basque Government.
- Chaparro, A., ed., 2007. *Cultura jurídica y perdón*. Bogotá D.C.: Universidad del Rosario-Escuela de Ciencias Humanas.
- Christie, N., 1981. *Limits to pain*. Oxford: Martin Robertson.
- De Gamboa, C., 2014. Perdón y reconciliación política: dos medidas restaurativas para enfrentar el pasado. *Estudios Socio-Jurídicos*, 6 (1), 81-110.
- De la Cuesta, J.L., ed. 2014. *Víctimas del terrorismo residentes en la CAPV: Desazón y esperanza en víctimas indirectas de asesinatos. Año 2013*. Donostia-San Sebastián: UPV/EHU.
- De la Cuesta, J.L., ed. 2015. *El derecho a la memoria de las víctimas del terrorismo*. Vitoria-Gasteiz: Gobierno Vasco.
- Echano, J.I., 2009. ¿Hay lugar para el perdón en el Derecho Penal? In: J.I. Echano, ed. *Estudios jurídicos en Memoria de José M.ª Lidón*. Bilbao: Deusto.
- Echeburúa, E., 2013. El valor psicológico del perdón en las víctimas y en los ofensores. *Eguzkilore: Cuaderno del Instituto Vasco de Criminología*, 27, 65-72.
- ETA, 2011. Full text: Basque ceasefire declaration. *BBC News* [online], 20 October. Available from: <http://www.bbc.com/news/world-europe-15395157> [Accessed 6 July 2017].
- Etxerat, 2016. *Presoak = Presos = Prisonniers* [online]. Gasteiz: Etxerat. Available from: <http://www.etxerat.eus/index.php/es/pres-s/listado-direcciones> [Accessed 10 January 2016].
- European Parliament and Council of the European Union, 2012. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 [online]. Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012L0029&from=es> [Accessed 7 July 2017].
- Faraldo, P., 2012. Restorative justice and terrorist prisoners in Spain [online]. Powerpoint presentation. Available from: <http://www.jcfj.ie/images/parallel/Patricia%20Faraldo%20Cabana.pdf> [Accessed 20 April 2016].
- Faraldo, P., 2014. Luces y Sombras del Papel Atribuido a los Intereses Patrimoniales de la Víctima Durante la Ejecución de Condenas por Terrorismo. *Oñati Socio-legal Series*, 4 (3), 443-464. Available from: <http://ssrn.com/abstract=2362421> [Accessed 20 April 2016].
- Garrido-Rodríguez, E., 2008. El perdón en procesos de reconciliación: el mecanismo micropolítico del aprendizaje para la convivencia. *Papel político*, 13 (1), 123-167.
- Hertogh, M., ed. 2009. *Living Law: Reconsidering Eugen Ehrlich*. Oxford: Hart.

- Horgan, J., and Braddock, K., 2010. Rehabilitating the terrorists?: Challenges in assessing the effectiveness of de-radicalization programs. *Terrorism and Political Violence* [online], 22 (2), 267-291. Available from: <http://www.start.umd.edu/sites/default/files/files/publications/Derad.pdf> [Accessed 6 July 2017].
- Igartua, I., 2015. *Justicia penal restaurativa y justicia penal negociada, retórica y práctica. Estudio empírico del programa de mediación intrajudicial penal en Bizkaia*. Thesis (PhD). University of the Basque Country.
- Kirchhoff, J., Strack, M., and Wagner, U., 2013. The needs of victims: An empirical categorization based on interpersonal conflicts. *Journal of Social and Political Psychology*, 1(1), 29-50.
- Lacey, N., and Pickard, H., 2015. To Blame or to forgive? Reconciling punishment and forgiveness in criminal justice. *Oxford Journal of Legal Studies* [online], 35 (4), 1–32. Available from: <https://academic.oup.com/ojls/article/35/4/665/2472464/To-Blame-or-to-Forgive-Reconciling-Punishment-and> [Accessed 6 July 2017].
- Landa, J.-M. 2013. Human rights and politically-motivated violence in the Basque Country. *Journal on Ethnopolitics and Minority Issues in Europe*, 12 (2), 7-29.
- Landa, J.-M. 2014. *Penitentiary law and crimes of terrorism in relationship with ETA. Final report* [online]. Vitoria-Gasteiz: Gobierno Vasco. Available from: [http://www.jmlanda.com/images/cajon-de-sastre/3\\_Report\\_Final\\_ENG.pdf](http://www.jmlanda.com/images/cajon-de-sastre/3_Report_Final_ENG.pdf) [Accessed 6 July 2017].
- Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito [online]. Available from: <https://www.boe.es/buscar/doc.php?id=BOE-A-2004-15601> [Accessed 7 July 2017].
- Ley Orgánica 1/1979, de 26 de septiembre, General Penitenciaria [online]. Available from: <https://www.boe.es/buscar/act.php?id=BOE-A-1979-23708> [Accessed 7 July 2017].
- Ley Orgánica 13/2015, de 5 de octubre, de modificación de la Ley de Enjuiciamiento Criminal para el fortalecimiento de las garantías procesales y la regulación de las medidas de investigación tecnológica [online]. Available from: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2015-10725](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10725) [Accessed 7 July 2017].
- Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores [online]. Available from: <https://www.boe.es/buscar/act.php?id=BOE-A-2000-641> [Accessed 7 July 2017].
- Ley Orgánica 7/2003, de 30 de junio, de medidas de reforma para el cumplimiento íntegro y efectivo de las penas [online]. Available from: <https://www.boe.es/buscar/doc.php?id=BOE-A-2003-13022> [Accessed 7 July 2017].
- López Romo, R., 2014. *Informe Foronda. Los contextos históricos del terrorismo en el País Vasco y la consideración social de sus víctimas. 1968-2010* [online]. Vitoria-Gasteiz: Instituto Valentín de Foronda. Available from: [http://www.ehu.eus/documents/1964362/3976964/Informe\\_Foronda.pdf](http://www.ehu.eus/documents/1964362/3976964/Informe_Foronda.pdf) [Accessed 6 July 2017].
- Lynch, O., and Argomaniz, J., 2015. Meeting the needs of victims of terrorism. Lessons for the international context. In: O. Lynch and J. Argomaniz, eds. *Victims of terrorism. A comparative and interdisciplinary study*. London: Routledge.
- Martínez, I. C., 2012. Ordóñez a Lasarte: "Se lo dije, quien te tendría que perdonar está muerto". *El País*, 22 June 2012. Available from: <https://politica.elpais.com>

- [/politica/2012/06/22/actualidad/1340391988\\_334894.html](#) [Accessed 6 July 2017].
- Montero Linares, P. 2012. La memoria y el perdón: Una aproximación desde Amelia Valcárcel. *Revista de Derecho* [online], 400-426. Available from: <http://www.redalyc.org/articulo.oa?id=85123909015> [Accessed 6 July 2017].
- Montero, M., 2015. El arrepentimiento como espectáculo, *El Diario Vasco* [online], 6 June. Available from: [http://www.bideo.info/buesa/imagenes/20150607\\_EL\\_CORREO\\_Manuel\\_Montero.pdf](http://www.bideo.info/buesa/imagenes/20150607_EL_CORREO_Manuel_Montero.pdf) [Accessed 8 March 2016].
- Morrison, W.J., 1990. *Explanation and penal change: A study in the epistemology of criminal justice*. Thesis (PhD). London School of Economics and Political Science.
- Muro, D., 2008. *Ethnicity and violence: The case of radical Basque nationalism*. London: Routledge.
- Nistal Burón, J., 2015. La participación de la víctima en la ejecución penal. Su posible incidencia en el objetivo resocializador del victimario. *La Ley*, 8555.
- Okimoto, T.G., Wenzel, M., and Hedrick, K., 2013. Refusing to apologize can have psychological benefits (and we issue no mea culpa for this research finding). *European Journal of Social Psychology*, 43, 22-31.
- Olalde, A., 2014. Restorative encounters in terrorist victimization in Spain: Theoretical reflections and practical insights from social work. *Oñati Socio-Legal Series*, 4 (3), 404-426. Available from: <http://ssrn.com/abstract=2362472> [Accessed 15 April 2016].
- Olalde, A., 2015. *Estudio multidimensional de algunas prácticas de justicia restaurativa en el País Vasco con lentes de trabajo social (2007-2012)*. Thesis (PhD). University of Murcia.
- Pacherie, E., 2007. The sense of control and the sense of agency. *Psyche*, 13 (1), 1-30.
- Pascual, E., ed., 2013. *Los ojos del otro. Encuentros restaurativos entre víctimas y ex miembros de ETA*. Santander: Sal Terrae.
- Pemberton, A., 2014. Terrorism, Forgiveness and Restorative Justice. *Oñati Socio-legal Series* [online], 4 (3), 369-389. Available from: <http://ssrn.com/abstract=2467107> [Accessed 15 April 2016].
- Real Decreto 1774/2004, de 30 de julio, por el que se aprueba el Reglamento de la Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores [online]. Available from: <https://www.boe.es/buscar/doc.php?id=BOE-A-2004-15601> [Accessed 7 July 2017].
- Recommendation CM/Rec (2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules [online]. Available from: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805c7bc7](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c7bc7) [Accessed 7 July 2017].
- Rekarte, I., 2015. *Lo difícil es perdonarse a uno mismo. Matar en nombre de ETA y arrepentirse por amor*. Barcelona: Península.
- Renner, J., and Spencer, A., eds., 2012. *Reconciliation after terrorism. Strategy, possibility or absurdity?* London: Routledge.
- Rohne, H.C., 2008. Conceptualizing punitiveness from a victims' perspective - Findings in the context of the Al-Aqsa Intifada. In: H. Kury and T.N. Ferdinand, eds. *International perspectives on punitivity*. Bochum: Universitätsverlag Dr. N. Brockmeyer.

- Sentencia de la Audiencia Nacional, Sala de lo penal, núm. 50, de 17 de junio de 2009 (ROJ: SAN 3032/200) [online]. Available from: <http://www.poderjudicial.es/search/contenidos.action?action=contentpdf&databasematch=AN&reference=4647427&links=&optimize=20090709&publicinterface=true> [Accessed 7 July 2017].
- Terradillos, A., 2016. *Vivir después de matar. Los terroristas de ETA que dejaron las armas cuentan por primera vez su historia*. Madrid: La esfera de los libros.
- Tomás y Valiente, F., 1961. El perdón de la parte ofendida en el Derecho penal castellano (siglos XVI, XVII y XVIII). *Anuario de Historia del Derecho Español*, 31, 55-114.
- Urkijo, T., et al., 2012. Una reflexión antes de que sea demasiado tarde. *El País* [online], 19 June. Available from: [http://politica.elpais.com/politica/2012/06/20/actualidad/1340220216\\_222098.html](http://politica.elpais.com/politica/2012/06/20/actualidad/1340220216_222098.html) [Accessed 15 April 2016].
- Varona, G., 2009. Evolución jurisprudencial en la interpretación de diversos aspectos de la ejecución de sentencias condenatorias en materia de terrorismo de ETA. In: J.L. de la Cuesta and I. Muñagorri, eds. *Aplicación de la normativa antiterrorista*. Donostia-San Sebastián: Instituto Vasco de Criminología, 61-151.
- Varona, G., 2013. The meaning of impunity. What do victims, offenders and society think of restorative encounters in the context of ETA terrorism in Spain? *Restorative Justice: An International Journal*, 1 (2), 200-217.
- Varona, G., 2014. ETA terrorism victims' experience with restorative encounters in Spain. In: I. Vanfraechem, A. Pemberton, F.M. Ndahinda, eds. *Justice for Victims: Perspectives on Rights, Transition and Reconciliation*. London: Routledge, 322-354.
- Varona, G., 2015. *El derecho a la memoria de las víctimas del terrorismo*. Vitoria-Gasteiz: Gobierno Vasco.
- Varona, G., 2016. *Impacto victimal, resiliencia e interpelación: Encuentros entre víctimas del terrorismo y entre víctimas y estudiantes universitarios*. Donostia-San Sebastián: UPV-EHU.
- Varona, G., and Soletto, H., 2014. Restorative Justice in Terrorist Victimisations: Comparative Implications: Introduction. *Oñati socio-legal series* [online], 4 (3), 345-350. Available from <http://ssrn.com/abstract=2462903> [Accessed 20 April 2016].
- Wertz, F., 2015. Phenomenology methods, historical development, and applications in psychology. In: J. Martin, J. Sugarman, and K.L. Slaney, eds. *The Wiley Handbook of Theoretical and Philosophical Psychology: Methods, Approaches, and New Directions for Social Sciences*. Hoboken: John Wiley & Sons.
- Zamora, J.A., 2012. Del nuevo imperativo a la reconciliación: Quebrar el poder de la violencia. *Revista Internacional de Estudios Vascos*, 10, 122-144.