

# Terrorism and Democracy: Spain and the Terrorist Attacks of March 11

Mabel González Bustelo

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## **Index**

<b><u>United States: Patriotism's Response.....</u></b>	<b><u>4</u></b>
<b><u>A Vote of No Confidence and for Democracy.....</u></b>	<b><u>6</u></b>
<b><u>Manipulation and Lies in the War Against Iraq.....</u></b>	<b><u>8</u></b>
<b><u>Questioning Electoral Results.....</u></b>	<b><u>10</u></b>
<b><u>Mobilizations and High Turnout.....</u></b>	<b><u>12</u></b>
<b><u>Antiterrorist Legislation: Before and After 11-M.....</u></b>	<b><u>13</u></b>
<b><u>Operative Measures Against Terrorism.....</u></b>	<b><u>16</u></b>
<b><u>Racism and Xenophobia: Perceptions of the "Other".....</u></b>	<b><u>18</u></b>
<b><u>The Exception Becomes the Norm.....</u></b>	<b><u>20</u></b>
<b><u>Conclusions.....</u></b>	<b><u>22</u></b>
<b><u>Bibliography.....</u></b>	<b><u>26</u></b>
<b><u>Interviews.....</u></b>	<b><u>26</u></b>

## **Terrorism and Democracy: Spain and the Terrorist Attacks of March 11**

***On the 11<sup>th</sup> of March of 2004 (11-M), a series of terrorist attacks were perpetrated in Madrid, which caused 191 deaths and which injured over 1.500 persons. Three days after the attacks, the general elections held in Spain brought the Spanish Socialist Workers' Party (PSOE) to power. Numerous events took place, in those four days, consolidating a sense of discontent that already existed within broad sectors of Spanish society.***

Since then, both from the Partido Popular (PP) and the media that sympathize with it, two sources of explanation have been broadcast to explain what happened. In fact, these try to distort, or to be more precise, to create a “new” reality, raising doubts as to the validity of the electoral results and to deny any responsibility of the Partido Popular itself, in its fall from power.

The first explanation states that Spanish citizens voted on the 14<sup>th</sup> of March under the influence of fear, and that therefore, the election results were an expression of cowardice in the face of terrorism. Terrorism, would have thus managed to achieve its political goal, toppling the PP government and changing it for one considered to be “softer” in the fight against terrorism, and also willing to remove Spanish troops from Iraq. The second explanation is based on raising doubts as to the “intellectual authors” of the terrorist attacks. This is achieved by focusing on the suspicion that some link to ETA exists, as well as to persons close to the PSOE, the Moroccan secret services, and even sections of the Spanish security forces. This thesis suggests that those arrested for their involvement in the attacks were mere instruments that served darker interests, that conspired to defeat the government. Over a year since the events, this theory has not been backed by any fact or data from the criminal and legal investigations, nor in the Investigation Committee of the Congress of Deputies, nevertheless it is still being used to question the legitimacy of the elections.

This report's main objective is to analyze the reasons behind the electoral reversal that took place on the 14<sup>th</sup> of March, and the various issues related to the history and political culture of the country that help to explain it. The report shall also study the consequences of the attacks as regards legislation and antiterrorist measures, as well as the situation of immigrant communities (especially those of an Arab or Muslim origin) and the perception of these communities. There are significant differences between what happened in Spain and in other countries, regarding the respect of the Rule of Law or the occurrence of racist attacks. In general, these differences reflect positively on the political maturity of Spanish society, its long experience in the fight against terrorism, and the influence of historical elements, such as a long dictatorship and a civil war. Nonetheless, a deeper level of analysis is necessary to highlight some future threats and to make sure that this situation does not change in the future.

***United States: Patriotism's response***

The idea of the terrorized vote has circulated throughout the Spanish and international media, and is based above all on the different reactions that Spanish and US citizens showed after a terrorist attack of the magnitude of 9/11 and the 11<sup>th</sup> of March. According to this approach, the US reacted by promoting a position of strength, by supporting, without any opposition, the position taken by President George W. Bush as Commander in Chief of a “global war against terrorism”. On the contrary, the Spanish citizens would have surrendered in the face of terrorism, by rejecting José María Aznar’s government, which had given its support to this policy of strength, based on unilateralism and preventive wars. This analysis is clearly biased, but above all it originates from a position of great ignorance as to the reality of Spanish politics, and of the historical, sociological and political differences between both countries.

To explain the US citizens’ reaction we must not forget that 9/11 was the gravest attack ever suffered by the US in its own territory, and one of the very few in its history. This event shattered one of the most important foundations of its identity as a nation: the myth of invulnerability. These attacks were also incredibly spectacular and directed against symbols of the nation’s economic, military and political power. Thus, the nation itself felt that it was under attack, a notion that was skillfully promoted and manipulated by the Bush Administration and the neo-conservatives that operate within it. 9/11 was their golden opportunity to implement a wide-reaching project for political change, both at the domestic and international level. To ensure this, they declared that the nation was at war, and in this exceptional context, patriotism was used to bolster support for Bush and his policies, and to discredit any criticism –now termed treason. This, among other issues, helped to ensure his reelection, to justify an aggressive and militarized foreign policy, and to implement an ambitious, antisocial, program geared to transfer resources from the poorer segments of the population to the richer ones, by reforming the Social Security system, among other measures. Many media outlets were accomplices in this process; broadcasting this rhetoric, and helping to spread rumors and lies due to their incompetence, lack of professionalism, or fear of being accused of not being patriotic, in this manner they failed to perform their democratic duty to keep an eye on, and to expose any excessive uses of power.

*THE GOVERNMENT'S INSISTENCE IN BLAMING ETA FOR THE ATTACKS, IN THE DAYS THAT FOLLOWED, AND THE SUSPICION THAT IT WAS HIDING OR MANIPULATING INFORMATION ON THE EFE OF THE GENERAL ELECTIONS WAS CONSIDERED TO BE A GRAVE THREAT TO DEMOCRACY.*

The launching of the “global antiterrorist war” and the US’ fight against the so-called global terror were cloaked in terms of moral superiority. Within this framework, all action taken is in the name of the US’ superior values, and the expansion of freedom and democracy throughout

the planet, which makes them morally unquestionable. Within this rhetoric the use of expressions such as “Crusade”, struggle between “good and evil” or “those who are not with us are against us” is understandable. The belief in the US as a harmless and benevolent power, whose policies are intrinsically good, serves to heighten domestic patriotism, and to generate support for actions that would probably generate more doubts if they were defended on the basis of pure interests. It is also useful to discredit the opponent, who in this binary logic, easily becomes the “bad guy”, making it a lot easier to dehumanize him. A member of the Peaceful Tomorrows organization expresses it in the following manner, “to be hated for ‘being who we are’ is more comforting than to analyze why some persons with understandable hatreds can use them to commit such disgraceful actions. This, pragmatically, allows the mighty few to avoid having to change ‘what we do’, which is really what is feeding anti-Americanism, while they keep the majority of Americans in a situation of apathy”<sup>1</sup>.

This rhetoric falls within the tight bonds between the Bush Administration and the religious and cultural right, but also fits into the historical politics of the USA. Exceptionalism has always imbued its foreign policy, from its very beginnings, with a rhetoric of moral superiority and an idealistic nature. Benjamin R. Barber, states that, “in historical terms, Bush’s moralizing rhetoric about good and evil in the campaign against terrorism is far from being new. From the Declaration of Independence to the axis of evil, political leaders have always considered that the country’s interests were universal, and virtuous, in a truly exceptional manner”<sup>2</sup>.

### **A vote of no confidence and for democracy**

In the Spanish case, the surrounding circumstances, its history, and certain aspects of the political culture combined to generate a radically different result. Firstly, the attack was not perceived to be an attack against the country, but against the community. Terrorism has been present in Spanish public life for many decades now, and social cohesion against it has been strong, under governments of all political parties. After the 11<sup>th</sup> of March, the reaction was not based on patriotism, but rather on a frontal opposition against violence, and solidarity towards the victims. On the following day, millions of persons went out into the streets to express their utter condemnation, a fact that undermines the fear theory. Simultaneously, large sectors of the population felt that the government was failing the community’s interests, as the attacks were being interpreted as a response to the invasion of Iraq. The government was clearly defending its own interests instead of the collective interests, to serve their electoral needs. The insistence on the government’s behalf to blame ETA for the attacks in the days that followed these attacks, and

<sup>1</sup> David Potorti and Peaceful Tomorrows, *Tomorrows in Peace*, Chapter 12, Icaria, Barcelona, 2005.

<sup>2</sup> Benjamin R. Barber, “La nueva ‘pax americana’ y la tradicional política exterior”, in *Estados Unidos, Imperio o poder hegemónico, La Vanguardia Dossier*, N°7, June-September 2003. Also from the same author, *El Imperio del miedo. Guerra, terrorismo y democracia*, Paidós Estado y Sociedad, Barcelona, 2004.

the suspicion that it was hiding or manipulating information on the eve of general elections was considered to be a grave threat for democracy. The result, therefore, can be interpreted as a punishment for their arrogance and lies, as well as the support for an alternative that had focused on multilateralism and International Law, opposing the war and promising to remove Spanish troops from Iraq.

This discontent, which crystallized on the 14<sup>th</sup> of March was founded on solid and substantial precedents. The main one being the support given to the United States, especially in the War against Iraq. Around 90% of Spanish public opinion was against this invasion and there is a generalized sense of repulsion towards the methods used by the Bush Administration, based on power politics, given that, among other reasons, they are perceived to be counterproductive, and that their only likely outcome will be to foster greater violence<sup>3</sup>. The Spanish population is also quite sympathetic towards the cause of the Palestinians, and does not understand the unconditional support that is given to Ariel Sharon's Israeli government or his methods. Furthermore, the "Crusader" rhetoric, and the religious messages that are used in Washington have a limited public in European societies, which tend to be a far more secular and otherwise inclined in their perception of the relationship between religion and politics.

The rejection of power politics by European societies is generally interpreted by some sectors as an expression of weakness. Moreover, it is based on powerful historical roots. All of these societies have suffered the effects of war directly, and on numerous occasions, in some cases quite recently. Practically within all European countries there are still living generations that have direct memories of war and its effects, and that have subsequently discovered that solving conflicts through dialog and cooperation is more effective and cost efficient. The construction of the European Union itself, is a model that expresses this vision and its results, as countries such as France and Germany that have fought endlessly against each other in many a war, have now totally discarded such a possibility.

Furthermore, in Spain, during Aznar's second term in office (2000 to 2004), numerous social protests emerged, and grew:

- Strikes and demonstrations took place around the country from October 2001 onwards, in protest against the Organic Law that regulates the Quality of Education (LOCE in its Spanish acronym), and to a greater extent the Organic Law that regulates Universities (LOU). On the 1<sup>st</sup> of December, the protest against this second Law was to be the first massive act of protest against the Aznar government.
- On the 20<sup>th</sup> of June 2002, a general strike was held against the reforms of the labor market, the so-called "decretazo" ("big decree"), that were especially harmful for those workers with precarious contracts, and the unemployed, given that it reduced the cost of

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<sup>3</sup> William R. Polk, "Terrorismo mundial" in *Terror global, Del 11-S al 11-M, La Vanguardia Dossier*, N°10, 2004.

laying off workers, it eliminated the agrarian subsidy for laborers in Andalusia and Extremadura, and raised new obligations for the unemployed. The government approved the decree by resorting to the fast-track channel, on the day that followed the call for the strike. On the day of the strike, at eight o'clock in the morning (before the working day had started), Pio Cabanillas, the government spokesperson, was already quoted as saying that there was "no strike", a phrase that was repeated endlessly in the state-owned media. Nevertheless, the strike's impact was to later lead to the removal of the decree, and Televisión Española (the state-owned TV channel) was legally condemned for manipulating information.

- After the sinking of the "Prestige" oil-tanker, in front of the Galician shores, in November 2002, the government reacted late, took decisions without any consensus nor did it pay heed to the recommendations made by experts, and it later lied about the results. Its statements attempted to minimize the impact of the oil spill and to defend that the measures that they had taken were the best possible. Journalists had to resort to independent experts, as well as the Portuguese and Galician media, to verify that the actual extent of the damage extended to 1.200 kilometers of coastline. This environmental catastrophe led to a massive influx of volunteers towards Galicia, who were able to see the situation on the ground with their own eyes, and in this way shatter the official veil of secrecy. New associational movements were also created, such as Nunca Más ("Never Again" in Galician), and Burla Negra ("Black Taunt"), that called for the largest popular mobilizations that had ever taken place in this Autonomous Community. On the 23<sup>rd</sup> of February, the largest of the demonstrations took place in Madrid.

### **Manipulation and lies in the War against Iraq**

To these and other expressions of discontent, the government responded with arrogance, and making use of manipulation and lies, from all the media that it had at its disposal, to try and criminalize its opponents. As a result, throughout those four years, large sections of the population had been publicly, and officially, discredited for some reason or another. The level of bitterness and tension reached its high point over the debates on the war against Iraq. The globalized lie that invading that country, on the basis of weapons of mass destruction that did not exist, supposed, found the Spanish population on the alert, as they had been living in a state of governmental lies for several years. It was for this reason that people did not believe Aznar when he stated that, "you must believe me, Iraq has weapons of mass destruction". However, he was never able to change the direction of public opinion.

The rejection against the war was latent for a certain amount of time, but some events acted as detonators, leading to a more generalized protest. One of these was the gala organized on the occasion of the awarding of the Goya prizes, the prizes of the Spanish Film Academy, that was held on the 1<sup>st</sup> of February 2003, and which turned into unanimous protest against violence. This had enormous impact, as it was broadcast by the state-owned television channels: possibly for the first time in many years, the government was unable to control information. On the 15<sup>th</sup> of February, 79 demonstrations took place, that gathered over six million persons, which places them among the most massively backed in the history of democratic Spain. In these demonstrations the limelight was taken away from the political parties and assumed by social movements, student and professional bodies, the cultural world, etc., who continued to mobilize themselves in the following weeks. None of this was able to change the government's mind. On the 13<sup>th</sup> of March, in a secret vote, in Congress, the 183 PP parliamentarians voted unanimously in favor of supporting the war against Iraq. On the 16<sup>th</sup> of March, Aznar participated in the "Azores Summit", from where the final ultimatum was sent to Iraq. His photograph, together with Tony Blair and George W. Bush, was seen all around the world.

Several elements later strengthened the opposition against the government's foreign policy. One of which was the decision to send troops to Iraq claiming that it was a "humanitarian" mission. Another, was the emotional impact that was caused by the deaths of two Spanish journalists, Julio Anguita and José Couso, in Iraq. The former was "embedded" with US troops, whereas the latter died during an attack by US troops against the Palestine Hotel, where the international media were staying. The Spanish government's subservience towards Washington made it accept weak and insufficient explanations from the Pentagon as to the events, despite the fact that everything seemed to indicate that it was a deliberate attack, and a clear violation of International Humanitarian Law.

In general terms, the PP's second term in government, with an absolute majority in Congress, was characterized by the authoritarian tone that was adopted, the lack of respect for public opinion, together with the criminalization and discrediting of all opponents and discrepancies. All of this materialized around the question of Iraq, where no pedagogic effort was made to explain why it was necessary or imperative. The arguments raised were scarce and based on personal credibility, and in a paternalistic tone that could be summarized as follows "it is logical that Spaniards reject war, but I can assure you that I know why it is necessary; the government knows what is best for Spain, and to take it out of the sidelines of history".

To this paternalistic attitude was added an error of perception, based in the belief that Spaniards were uninterested in international politics. To the contrary, the reports made by the Real Instituto Elcano show that it does interest them, and that they have a realistic perception of

the country as an intermediate power<sup>4</sup>. In any case, they are not unilateralists, and they firmly believe that their interests are best defended within multilateral forums. In the Iraqi case, the high percentage of persons opposed to it, allow us to assume that many PP voters, and even party members, had doubts or were opposed to it. The combination of ignorance of public opinion and ideological radicalism, secrecy and arrogance generated a growing void between the government and public opinion. The mistrust regarding the possibility that information was being concealed, between the 11<sup>th</sup> and the 14<sup>th</sup> of March, was therefore firmly rooted in previous cases.

### **Questioning electoral results**

Several other factors are quoted to remove legitimacy from the electoral results of the 14<sup>th</sup> of March. One of them is that the goal of the terrorist attacks was precisely to influence these results, and to kick the PP out of office. From this perspective, the new political panorama that emerged from the ballot boxes would be illegitimate as it was the result of violent coercion. Another argument is that the mobilization of citizens on the 13<sup>th</sup> of March broke the rules of the democratic game, by provoking political debates, on a day in which political campaigning was forbidden –the so-called “day of reflection”, prior to election day.

In reality many different motives could be behind the attacks, and these are likely to be the sum of various issues. They could be partly a reaction against the political and judicial actions taken in Spain against Islamic-based international terrorist networks, which had put Spain in the frontline, away from its safe rearguard position. Furthermore, this is a Western country, and as such, and in general terms, is a target for these groups, and this risk grew due to the leading role that the government took by supporting the Bush Administration in its policies against Iraq and in the Middle East in general.

We must also not exclude an attempt to ensure the evacuation of Spanish troops from Iraq. In November 2003, Osama Bin Laden directly threatened Spain because of this presence, and a document posted on the Internet in Autumn 2003 encouraged attacks against Spanish troops, given that Spain was “the weakest ally in the coalition”, due to the enormous gap between public opinion and the government<sup>5</sup>. Therefore there was an attempt to ensure this evacuation and to lead to a “domino effect” in other states present in Iraq.

The existence of political motivations and of a rational calculations behind the 11<sup>th</sup> of March attacks, is not something that we can discard *a priori*, nor should it surprise us. As with other forms of armed struggle, terrorism is always a political weapon, although this is more difficult to understand if, instead of analyzing its motivations we opt, exclusively to characterize

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<sup>4</sup> Reports can be found on the Institute’s Webpage: [www.realinstitutoelcano.org](http://www.realinstitutoelcano.org)

<sup>5</sup> See, *Foreign Policy (Spanish Edition)*, August-September 2004, in [www.fo-es.org](http://www.fo-es.org)

those who use it as “fanatics”<sup>6</sup>. That it happened three days before the general elections, could support this hypothesis. Nonetheless, this has not been proven. In general, all terrorist groups act with a certain criteria of opportunity: when possible, where possible, and with the resources that they dispose of. On the other hand, to argue that the electoral results are illegitimate because that was what the terrorists wished is unsustainable as it would abandon democracy in the hands of any violent group, safe in the knowledge that its actions could determine the validity, or invalidity, of elections.

*THE REJECTION OF FOREIGN POLICY, THE SUSPICION OF ELECTORALISM AS REGARDS THE MANAGEMENT OF INFORMATION AND THE PROTESTS OF THE CITIZENSHIP COMBINED TO TURN AROUND THE ELECTION RESULTS.*

In any case, and even if that were the goal, it could have all turned out quite differently. In Spain, as in the United Kingdom, ETA’s terrorism, like the IRA’s, have generally generated defensive social reactions, a solid rejection of violence and support for whatever government was in power, as responsible for collective security. The same, would probably, have occurred after the 11<sup>th</sup> of March had there not already been some degree of mistrust towards the government, and if the government had acted in a different manner on the days that followed the attack. Its insistence in blaming ETA, when the police investigation were already heading in another direction, and when public opinion already had more information, transformed mistrust into suspicion and indignation, as it was perceived that fundamental aspects of democracy were at risk.

The question, “who did it?”, was already heard in the demonstrations against terrorism that were held on the Friday, 12<sup>th</sup> of March. On the Saturday various mobilizations were held outside PP headquarters and other places, demanding more information. These events have been qualified as attacks against democracy, although it is worth remembering, that that same day, the PP candidate, Mariano Rajoy, made a call for people to vote for his party in an interview with the newspaper *El Mundo*. In reality, these mobilizations were rather acts of civil disobedience that demanded the defense of democratic legitimacy<sup>7</sup>. As Javier Noya states, “rational terrorists and irrational voters? No! Rather short-sighted politicians”<sup>8</sup>. The rejection of foreign policy, the suspicion of electoralism in the management of information, and citizens’ protests, combined to turn around the election results.

<sup>6</sup> Rogelio Alonso, “El nuevo terrorismo. Factores de cambio y permanencia”, in Various Authors, *Madrid 11-M. Un análisis del mal y sus consecuencias*, Editorial Trotta, Madrid, 2005. Also see, Javier Jordán, “El terrorismo islamista en España”, *Ibidem*.

<sup>7</sup> Javier de Lucas, “La rebeldía democrática”, en *Le Monde diplomatique*, April 2004. See also, Victor F. Sampedro (Ed.), *13-M. Multitudes on line*, Los Libros de la Catarata, Madrid, 2005.

<sup>8</sup> Javier Noya, *Del 11-M al 14-M: estrategia yihadista, elecciones generales y opinión pública*, análisis del Real Instituto Elcano, 21<sup>st</sup> of July 2004.

### ***Mobilizations and High Turnout***

The general elections of the 14<sup>th</sup> of March were not an expression of the “vote of fear” but rather, of a vote of no confidence in the government. In general, the vote of fear does not increase voter turnout, but rather the contrary, it generally raises the abstention rate. Furthermore, the vote of fear does not generally express itself as a punishment for the government in office, but rather tends to increase the support for this government, as occurred in the USA after 9/11<sup>9</sup>. Therefore, in normal conditions, a terrorist attack of this nature, a few days prior to the elections should have benefited the government, as the collective representative of the citizens.

This did not happen, to a great extent because a significant part of the population interpreted the terrorist attacks as a reaction to the government’s involvement in the war against Iraq, and its support towards the policies of the Bush Administration. This led to a transfer of responsibilities. According to the Barometer of the Real Instituto Elcano, in May 2004, 64% of Spaniards believed that the attacks would not have been perpetrated if Spain had not supported the USA in the war against Iraq, and a similar percentage was of the opinion that they were a result of the country’s foreign policy. Part of the blame, was thereby, attributed to the government, and this mobilized large sectors of the population. The participation rate was of 79%, the largest in the democratic era, and the role of youths was incredibly significant. If in the elections held in the year 2000 half of the youths, under the age of 25, voted, in 2004 this percentage now reached 66%. The participation rate of voters between the ages of 45 and 54 also increased, many of which former left-wing voters, who later turned to abstention, after their disillusionment with the governments of Felipe González and the PSOE<sup>10</sup>.

As Narciso Michavila states, the electoral turnover took place because of a “latent desire to change the government, the commotion caused by the attacks, a punishment against the government for its position in the war against Iraq, and furthermore, for the manipulation of information that took place between the 11<sup>th</sup> and the 14<sup>th</sup> of March”. According to his calculations, 1.7 million voters that were not going to vote, went out to do so, and 1.1 million changed the direction of their vote<sup>11</sup>. The PSOE collected over 11 million votes. This would confirm a latent tendency, given that in the Autonomous Community elections, held in 2003, it had beaten the PP by half a percentage point, with 34.8% as compared to the 34.3% that the PP managed. Moreover, the voters themselves state that the war (41.8%) rather than the attacks (27.6%) influenced their vote. According to Michavila, this is also linked to security concerns, as Spanish

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<sup>9</sup> Enrique Gil Calvo, *11/14-M: El cambio trágico. De la masacre al vuelco electoral*, Adhara Editorial, Madrid, 2005.

<sup>10</sup> Pilar Velasco, *Jóvenes aunque sobradamente cabreados. La rebelión juvenil y el 14-M*, Ediciones B, Barcelona, 2005.

<sup>11</sup> Narciso Michavila, *Guerra, terrorismo y elecciones: la incidencia electoral de los atentados islamistas en Madrid*, Análisis del Real Instituto Elcano, N°13, March 2005.

society considered that the government's actions were eroding this security, and in such cases the confidence between the government and those that are government is broken.

On the other hand, the overall consideration of the government was falling continuously. In April 2000 nearly 50% of the population considered its role as positive. In January 2004, the percentage had plummeted to 27%. The main problems, as expressed by Spaniards, were: unemployment, terrorism, security concerns, and housing. Therefore, according to Belén Barreiro, the PP vote fell more drastically in those places where housing was more expensive, and where social services were of a lesser quality<sup>12</sup>.

### **Antiterrorist legislation: Before and After the 11<sup>th</sup> of March**

Spain has a relatively advanced antiterrorist legislation that has not been altered since the 11<sup>th</sup> of March, as it is considered sufficient to guarantee adequate police and legal procedures. Similarly, the debate as to the need for exceptional measures to extend the powers of the Executive, or weaken the separation of powers or democratic guarantees, has not been raised, as happened in the USA and the United Kingdom, among other places. The framework for the fight against terrorism is defined within the Rule of Law, and the legislation is considered to be quite advanced, although some of its provisions have fostered concerns in human rights organizations, that interpret them as restrictive, and that have called for their revision.

Terrorism and internal political violence have existed in the country for decades, especially through the actions of ETA, an organization which has been active since the sixties. In this period it has murdered over 800 persons, among which 46.2% were members of the State's security forces, 12.3% were members of the armed forces, 36.9% were civilians without any public positions, and 4.6% were representatives and public officers. It has also kidnapped 73 persons, and caused injuries to nearly 2,400. Thousands of persons lived, and still live, in fear, in and outside the Basque Country.

In the fight against ETA; and against terrorism, various strategies have been employed, including the infamous creation of paramilitary groups, beyond the boundaries of the law. Between 1983 and 1987, the Grupos Antiterroristas de Liberación ("Antiterrorist Liberation Groups") (GAL), murdered 28 persons, several of which had no links to ETA. This group was funded from "fondos reservados" (secret state funds) of the Ministry of the Interior. The discovery of this case brought several political figures to court and prison during the nineties, and brought up various corruption cases, acting, also as a prompter and instrument of cohesion for those sectors that support the radical Basque separatists. Since then, the fight against terrorism has been carried out within the boundaries of the Rule of Law.

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<sup>12</sup> Belén Barreiro, "14-M: Y hubo sorpresa", *El País*, 16<sup>th</sup> of March 2004.

Spain has ratified the main international human rights treaties, which include among others, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights, and the Convention against Torture. It also supported Resolution 1.456 of the UN Security Council, of January 2003, which highlights the need to fight terrorism within a full respect for human rights and International Humanitarian Law (IHL). As the Attorney General, Cándido Conde Pumpido mentioned to Human Rights Watch, the fight against terrorism has been carried out hand in hand with democratic development, from a mature perspective, while, “at the international level the fight against terrorism is at the same level as the fight against ETA in Spain twenty years ago: illegal detentions, torture...”<sup>13</sup>.

Nonetheless, Amnesty International and Human Rights Watch, as well as the UN Special Rapporteur on Torture, have expressed their concerns regarding some measures, especially those relating to incommunicated detention, provisional detention, and legal assistance during these periods. These conditions, in their opinion, create a vacuum, which facilitates the appearance of abuses or torture, and although this is not taking place in a generalized manner, to strengthen the guarantees for detained persons would not harm police efficiency and would actually ensure full compliance with international commitments<sup>14</sup>.

There is no specific antiterrorist legislation, but membership of an armed band, which includes terrorism, is explicitly typified in the Criminal Code. Furthermore, police and judicial capabilities have been incorporated in the Law of Criminal Procedure. According to this law, those suspected of belonging to an armed band can be detained, in isolation, for up to thirteen days, and under the title of provisional detention up to four years. During incommunicado detention, the subjects are totally isolated, and lack any right to legal counsel from the beginning of the detention period, nor can they bring in a lawyer of their choice. They are allocated a court-appointed attorney, who must be present in all interrogations and declarations before a judge, but with whom the detainee can not confer in private. Neither can the attorney address the detainee directly to provide him with legal counseling, nor consult with him, and they often do not see each other until practically the end of the isolation period. The detainees are formally under judicial supervision, although in practice, the judge does not tend to see them until after three to five days. On the other hand, they are examined by forensic doctors selected by the court, but are not allowed to choose one.

The secrecy of legal proceedings that is usually applied in these cases during the investigation phase, and the legal proceedings, limits the access of defense lawyers to information on the case, which limits the concept of defense, which is further aggravated by the

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<sup>13</sup> Human Rights Watch, *¿Sentando ejemplo? Medidas antiterroristas en España*, January 2005, available in [www.hrw.org](http://www.hrw.org)

<sup>14</sup> Telephone interview with Virginia Álvarez, responsible for internal politics for Amnesty International in Spain, 18<sup>th</sup> of May 2005. See also, Human Rights Watch, *Ibidem*.

lack of sufficient interpreters, in those cases in which the detainees do not speak Spanish. Furthermore, during the provisional detention period, those persons arrested for reasons of terrorism, are generally under a maximum security regime. This contemplates total, continued isolation, additional restrictions to visits and phone calls, and even greater isolation. Similarly, measures to disperse detainees are also employed, implying that the detainees may be transferred to detention centers that are far from their places of residence.

Some of these measures have been defended from official sectors, as the experience in the fight against ETA's terrorism would have demonstrated their effectiveness. The allocation of a court-appointed attorney during the isolation detention phase was adopted as the organization used lawyers who were akin to it, allowing them to gain and pass information to the detainees, thus harming the investigation. In the case of dispersion, it was a way to try and avoid large concentrations of ETA detainees, to break the band's control over its individual members, and to avoid the planning and execution of new crimes, and to favor policies geared towards the reintegration of detainees to society.

The PSOE government, in conversations with human rights organizations, has shown to be prepared to alter some of the aspects of the Law on Criminal Procedure to provide greater guarantees. Having said this, doubts still remain on this issue, and in the current confrontational climate that exists in Spanish politics, and due to the intense pressure exerted by the PP, this could be interpreted as an expression of weakness in the face of terrorism.

*THERE IS NO SPECIFIC ANTITERRORIST LEGISLATION OTHER THAN BELONGING TO AN ARMED BAND, WHICH INCLUDES TERRORISM, WHICH IS INCLUDED IN THE CRIMINAL CODE.*

As regards this government, Amnesty International has positively valued the signing of the Optional Protocol to the Convention against Torture, and the support for the initiative in favor of an International Treaty on the Arms Trade, as well as other issues like the regularization of immigrants. Nevertheless it has expressed its concern over the fact that no effective steps have been taken to guarantee immigrants the full enjoyment of their rights, in the fight against racism and xenophobia, or measures against impunity in cases of abuse and torture perpetrated by members of the security forces<sup>15</sup>. This organization has also, repeatedly, expressed its concern regarding the Law on Political Parties, as it considers that it is too ambiguous when it refers to the "closeness" or "sympathy" towards terrorist groups, and that this could allow for procedures for the prohibition of parties that, peacefully, call for changes in constitutional principles or laws<sup>16</sup>.

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<sup>15</sup> Amnesty International, Carta abierta al presidente del gobierno con motivo del debate sobre el estado de la nación, *Es hora de concretar en materia de derechos humanos*, 6<sup>th</sup> of May 2005; available on [www.es.amnesty.org](http://www.es.amnesty.org)

<sup>16</sup> Amnesty International. *Comentarios de la sección española de AI al proyecto de ley orgánica de partidos políticos*, in [www.es.amnesty.org](http://www.es.amnesty.org)

Within this framework, the Batasuna party has already been outlawed, as have several of its latter incarnations. On the other hand, case 18-98, started in 1998, that led to the closure of the *Egin* newspaper, has taken seven years to initiate the legal process. The tightening of antiterrorist policy took place during the PP government, with the support of the PSOE, especially after 2002, with the Antiterrorist Pact, and the Law on Parties. All of this has led to question the relevance of the right to free association and to freedom expression in Euskadi, given that some proceedings have been initiated in which criminal responsibilities are allocated not for personal conducts but due to the fact of belonging to a specific association, foundation, company, etc<sup>17</sup>.

To summarize, Spanish legislation against terrorism has been left unchanged since the 11<sup>th</sup> of March. Having said this, the current government claims that the fight against terrorism must be carried out within the boundaries of the Rule of Law, and Law, both at the national and international levels. This is also the opinion of a large part of the population, which, after living through four decades of dictatorship, is opposed to any cutback in its rights or steps back from democracy. Furthermore, the years of struggle against ETA through legal means, and illegal ones, have demonstrated that the former are more effective, as can be reflected in the current weakness of the terrorist group. This experience in antiterrorism has been translated into a legislation that is considered to be quite advanced as far as legal guarantees are concerned. Having said this, some of the measures are quite restrictive, and could be softened, without reducing the effectiveness of the antiterrorist fight, and in fulfillment of the international human rights commitments. The politically tense environment, and the electoralist use of these issues could complicate any further advances in this field.

### **Operative measures against terrorism**

Police and judicial measures against international terrorist networks had already started in the mid nineties. Between November 2001 and July 2002, Operation Dátil (Date), directed by Judge Baltasar Garzón, led to the arrest of members of Al Qaeda in Spain, and in other countries thanks to an investigation that had been initiated in 1995.

Nonetheless, in general it was considered that this kind of terrorism was not a big threat for Spain, and that its territory was used, above all, as a haven or rearguard, and was not considered to be among its targets. Various Guardia Civil reports had tried to increase this level of alert, since June 2002, and especially after the terrorist attacks in Casablanca (Morocco) in May 2003. The Centro Nacional de Inteligencia (CNI) (National Intelligence Center) also tried to do so in October of that same year, by stating that the role adopted by the Spanish government

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<sup>17</sup> Telephone interview with María Oianguren, director of Gernika Gogaratuz, 18<sup>th</sup> of May 2005, and interview with Teresa Toda, sub-director of Egin, and member of the 18/98 Platform, 5<sup>th</sup> of July 2005.

in the war against Iraq had increased the risk of terrorist attacks<sup>18</sup>. This information was not publicized as the government was afraid that it could intensify the criticisms against its foreign policy, and no measures were taken to this respect either.

*IN GENERAL IT WAS CONSIDERED THAT THIS KIND OF TERRORISM WAS NOT A BIG THREAT FOR SPAIN, AND THAT ITS TERRITORY WAS USED ABOVE ALL AS A HAVEN OR REARGUARD, AND NOT AMONG ITS TARGETS.*

The main novelty introduced after the 11<sup>th</sup> of March was to give greater priority to this issue, and to put more resources at the disposal of the State security forces, for their vigilance and control. Currently, a training process is underway, which will produce a larger number of specialized agents in this field, and the number of translators within investigative units is also increasing. As well as these measures, a Centro Nacional para la Coordinación Antiterrorista (National Center for Antiterrorist Coordination) has also been created. This center's goal is to improve the level of coordination between the National Police, the Guardia Civil, and the National Intelligence Center. Similarly, terrorism experts, from the Ministry of the Interior, have been sent to key Embassies around the world, to improve information exchange mechanisms. Other measures include, the new regulations on explosives, that increase the punishments for a lack of control over these, and the creation of a unified database system. Moreover, international cooperation seems to have advanced more in the legislative field, rather than as specific measures, due to the lack of resources and the generalized reticence to share information among the security forces of different countries<sup>19</sup>.

The investigation on the terrorist attacks of the 11<sup>th</sup> of March was expedient, and only two days after the attacks, the first arrests were made. Towards the end of the month, another nineteen persons had been arrested. In May 2005, a total of 24 persons were provisionally detained, while another fifty that had been arrested were out on parole or freed without charges<sup>20</sup>. Between the months of October and November 2004, the Nova I and Nova II police operations were carried out, in which the police arrested over thirty persons who were planning to use a suicide truck with five-hundred kilograms of explosives to attack the Audiencia Nacional (Spain's highest criminal court), in Madrid, and other targets. The majority of these were of Moroccan and Algerian origin, petty criminals who had been recruited during their time in prison.

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<sup>18</sup> Alfonso Merlos, "Europa frente a Al Qaeda: Errores, lecciones...", in *Estudios Internacionales de la Complutense*, Vol. 6, N°1, third cuatrimestre 2004.

<sup>19</sup> Interview with Alfonso Merlos, researcher in the area of International Terrorism in the International Public Law and International Relations Department of the Universidad Complutense in Madrid, Madrid, 15<sup>th</sup> of May 2005.

<sup>20</sup> Updated information can be found on:  
[www.elmundo.es/documentos/2004/03/espana/atentados11m/detenciones.html](http://www.elmundo.es/documentos/2004/03/espana/atentados11m/detenciones.html)

**Racism and xenophobia: the perceptions of the “other”**

The confirmation that the terrorist attacks of the 11<sup>th</sup> of March were perpetrated by international Islamic-based terrorists generated the fear that this phenomenon would be associated with the Arab and Muslim immigrant communities, and that this could lead to violent, racist attacks. Such violent reactions did not take place, and the scarce few incidents were the responsibility of extreme right and xenophobe groups, who often promote Islamophobia. Nor did disproportionate police actions take place, but rather, the police deployment that followed the attacks, seems to have managed to avoid greater incidents. As to complaints regarding abusive treatment in police detention, the cases that were brought up suggest that they affect immigrants in general, and not specifically those of Arab origin or those of the Muslim faith.

All of this could be due to various factors. On the one hand, we can refer to a certain degree of political maturity and a society that did not allow itself to be dragged down by xenophobe feelings (especially, as in these attacks numerous immigrants died, including several Moroccans). All the political sectors, and the media, called for calm and responsible behavior, and the main leaders of the Islamic and Maghreb communities condemned the violence, and distanced themselves from it. The reaction, overall, was civic and nothing like what happened in Holland after the murder of the filmmaker, Theo Van Gogh, such as the burning of mosques. In this country, such actions increased a nationalist and populist discourse, even from the government (especially the Minister for Immigration and Integration, Rita Verdonk), which was well received by those parts of the population that already supported anti-immigration political options such as that headed by Pym Fortuyn<sup>21</sup>.

Nevertheless, another element that greatly influenced the situation must be considered: a large section of the population related the terrorist attacks with the war against Iraq, and not with immigration or Islam. To bear this in mind is essential for the future, especially if another attack is committed, in which the “Iraq factor” would be absent.

The relationship between Arab and Muslim immigrants and Spanish society has in general terms always been marked by distance, lack of trust and in some cases latent tension. Together with Gypsies, they are the two groups that generate the greatest amount of racism among Spaniards, a great deal more than with any other group, and this trend is on the rise. The equation that expresses this distrust could be summarized as, “Maghrebi equals Muslim, and this equals Moor”. This lack of knowledge and mistrust are not new, and have to do with historical factors, but they are on the rise among different social sectors that view the arrival of this new population as a threat. An important element is the daily conflict with the host society over

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<sup>21</sup> Interview by email with María Bruquetas, expert on integration policies, Holland.

insufficient social services, which heightens prejudice and intolerance even among persons who do not consider themselves to be racist<sup>22</sup>.

In this sense, the use by political parties of issues such as immigration and terrorism, or any equivalence between immigration and crime is a risky exercise as it strengthens racism and complicates social coexistence. The rise in other European countries of political parties with xenophobe projects, or extreme right-wing parties, is a worrying trend, that feeds on issues such as these. The main asset of leaders such as Pym Fortuyn in Holland, or Jean-Marie Le Pen in France, is that they speak to people about their daily problems, and in a clear language that they can all understand. In Germany, extreme right-wing groups attacked immigrants (or people who looked like immigrants), homes for immigrants, etc. for many years. Nevertheless, they never managed to articulate themselves politically until the economic crisis increased their support base. Currently, the National Democratic Party (NDP, of a Nazi ideology), has twelve representatives in the Lower House in Lower Saxony. An issue that must be dealt with quickly in Spain, would be to analyze, bearing in mind such experiences, how the xenophobe extreme right-wing is reshaping itself, as it is significantly different from the “old” extreme right of the Transition period, as well as finding methods to control and limit its activities and/or impact.

The process for the regularization of immigrants that has been carried out over the last few months, is in this sense, a step forward, as it has affected over 600,000 persons, who in this manner become “visible”, and better conditions are established for their incorporation in the labor market and within society as a whole. Having said this, some sectors have expressed their criticism as they focus on the fact that it is merely another extraordinary process, and as such is little more than another “patch” that reflects the failure of the approaches adopted to date<sup>23</sup>. Moreover, the process presented certain design flaws, and there were grave difficulties in complying with some of the requirements and some Municipalities, governed by the PP, practically boycotted the process, which is why many persons remain in an irregular situation.

*THE POLITICAL PARTY USE OF ISSUES SUCH AS IMMIGRATION AND TERRORISM AND ANY ATTEMPT TO ASSOCIATE IMMIGRATION AND CRIME IS A RISKY VENTURE AS IT STRENGTHENS RACISM AND COMPLICATES SOCIAL COEXISTENCE.*

The places where radical religious opinions are expressed together with the evangelical process that takes place in prisons, in Spain, have been the two main sources for the recruitment of members into these violent groups. The main leaders of the Islamic communities have rejected terrorism and expressed their concern regarding the identification of Islam and violence,

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<sup>22</sup> Interview with Esteban Ibarra, president of the Movimiento contra la intolerancia (“Movement against Intolerance”), 18<sup>th</sup> of May 2005.

<sup>23</sup> Interview by email with Javier de Lucas, professor of Philosophy of Law, 16<sup>th</sup> of May 2005.

as opposed to what has happened in some mosques in London. The problem arises, mainly, in other places of worship, which are less regulated, as in private homes or garages, where there is no knowledge of what kind of message is being given. An issue that was raised after the 11<sup>th</sup> of March was the introduction of greater control over these places of worship. The Minister of the Interior, José Antonio Alonso, defended this because of the need to avoid the propagation of violent messages. The Association of Moroccan Immigrant Workers in Spain (ATIME, in Spanish), itself requested the creation of a Regulation Council, a proposal which apparently had the support of the Moroccan Embassy. Nevertheless, other sectors have been radically opposed, and at the moment very little progress has been made in this field. As to the prisons, in some of them there is an elevated concentration of detainees, originally from the Maghreb, and cases have been reported in which radical Islamists have forced the others (usually petty criminals) to join their practices. After the 11<sup>th</sup> of March, attempts have been made to avoid this, through the dispersion of detainees, but according to sources from the prison system, the control measures are insufficient, and this problem could rise again.

### **The exceptional becomes the norm**

Currently, in numerous countries, including those that are democratic, the reaction to terrorism is defined in terms of preventive state action. In a state governed by the Rule of Law, the common criminal procedure entails that the person suspected of having committed a crime, including a terrorist act, is taken before a court where the accusation must be proven. Nowadays, in the framework of the “global antiterrorist war”, this framework is broadening to incorporate those who “support” or “sympathize” with terrorism, even in situations in which no crime has been committed or even planned. The creation of various secret surveillance networks is being considered, as well as changes to the laws to prevent the accused from knowing the evidence against them nor the sources from which they proceed, and the possibility for persons to be subjected to home arrest, or taken to prison, on the grounds of this evidence<sup>24</sup>.

In the United Kingdom, the Law for the Prevention of Terrorism, approved on the 11<sup>th</sup> of March 2005, replaces the Law against Terrorism and Crime, approved in 2001. Within the new law, indefinite detention has been replaced by “control orders” for those persons suspected of terrorism, that can include restrictions to their movements, prohibition to access mobile phones and the Internet, and indefinite home arrest. Such orders will be dictated by the Executive, without having to press charges or take the suspect to court. Given some of this law’s provisions, article 5 of the European Convention on Human Rights shall be derogated once again.

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<sup>24</sup> Tony Bunyan, *The exceptional and draconian become the norm*, Statewatch Report, March 2005 (revised on the 15<sup>th</sup> of April 2005).

The former Secretary of State, David Blunkett, justified these measures by establishing that in cases of terrorism, the government must resort to preventive actions to arrest and accuse potential suspects before these can execute attacks. The evidence must be kept secret to protect their sources (intelligence services, be they British or foreign), and some lawyers would be banned if they are considered to be untrustworthy as regards the supply of information that is necessary for the defense. All of this is based on the belief that the country lives in a state of permanent emergency, that threatens the life of the nation. In this sense, the statements made by Lord Hoffman (spokesperson of the Law Lords in their rejection of some of the provisions included in the draft of the law), on the 16<sup>th</sup> of December 2004, “the norms question the very existence of an old freedom which this country has up to now been proud of: the freedom from arrest and arbitrary detention. (...) The real threat for the life of the nation comes not from terrorism but from norms such as these”<sup>25</sup>. In the aftermath of 9/11, several hundreds of persons have been arrested in the United Kingdom, accused of links to terrorism, of these, only 33 have appeared before a judge<sup>26</sup>.

Other measures that are being debated in the G-8, the European Union Council, and in the Council of Europe include broadening the definition of terrorist activities to include “preparatory and associated actions”, and to include “sympathy” towards terrorism as a crime. Other proposals refer to the use of special investigation techniques, such as employing informers, undercover agents and bribes, as well as the pooling of information among different national intelligence services, without judicial control. The United States, with the support of the United Kingdom, is working through the G-8 for this to be approved in the EU. The panorama is worrying because, for example, four members of the G-8 (United States, United Kingdom, Russia and Canada) already, currently, authorize the detention and imprisonment of persons without charges or trial in the name of antiterrorism.

These initiatives transfer towards the interior of states the exceptional climate of the “global antiterrorist war”. If at the international level, this justifies the breaching of International Law, and the adoption of illegal measures, in the internal fold this means a step back from citizen rights and freedoms, in order to heighten security. The citizens’ fear of terrorist attacks is used to increase the power of the Executive, and to reduce the judicial guarantees and the right to defense. It can be argued that this is an exceptional situation, that requires equally exceptional measures, and the concept of “preventive war” is broadened to justify preventive actions that could lead to grave abuse of power. “The 11<sup>th</sup> of September 2001, has redirected the philosophy

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<sup>25</sup> *Ibidem*.

<sup>26</sup> Interview with Fernando Reinares in the Seminar “Fighting terrorism and strengthening democracy: The role of Civil Society”, organized by the CIP, Madrid, 19<sup>th</sup> and 20<sup>th</sup> of May 2005.

of global security, creating a project of defense in which the principle of legal process disappears and transforms itself in an omnipresent and incontrollable Leviathan”<sup>27</sup>.

## Conclusions

The results of the 14<sup>th</sup> of March 2004 elections cannot be attributed to fear or cowardice in the face of terrorism, but rather a punitive vote against the PP government for various aspects of its management during its second term in power. In this period the government used authoritarian methods and criminalized its political opponents, while it resorted to disqualify all those who questioned its decisions. All of this was heightened by its support for the Bush Administration in its foreign policy, and especially as regards the invasion of Iraq, to which the majority of the population was opposed. The terrorist attacks of the 11<sup>th</sup> of March were interpreted as a reaction to Aznar’s support for this war. In the days that followed, the attempts by the government to hide information, that pointed the blame towards Islamic-based terrorism –to defend the thesis of ETA’s responsibility-, distanced it even more from public opinion. Part of Spanish society interpreted that the government was defending its own interests above those of the population as a whole, and that with its maneuvers it was endangering democracy itself. In this sense, what occurred on the 14<sup>th</sup> of March, was a civic, and politically highly charged vote.

The attempts to rewrite history that have taken place since then, make use of a very well known tactic among neo-conservatives in the United States, which is based on the creation of a reality and its defense, in the face of all opposition, and even without any proof to sustain it. This also includes not accepting any errors, and a constant repetition of the messages to ensure that they appear consistent and thus be interpreted as the truth. In the PP’s case, and that of the media that support its thesis, they are probably trying to strengthen the cohesion among their unconditional sympathizers in the face of a negative electoral result that they had never foreseen. Nevertheless the strategy, based on tension and political brinkmanship, can be very dangerous in a country with a short democratic history, and is unlikely to help them regain power as it basically isolates them in all political debates. This polarization can also be highly negative when important issues such as terrorism or immigration are used for partisan purposes.

In various aspects, it would be very important for public opinion leaders to impose a serious debate in Spain, and in Europe. The rise of radicalism in certain sectors of the Arab and Muslim immigrant communities, should give rise to a deeper analysis of the immigration and integration policies, to analyze the mistakes made and to consider proposals for the future. Marginalization and ghettos help the sway towards extremist positions, as well as the perception that they are rejected by the host society, or that the antiterrorist laws are applied to them in a

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<sup>27</sup> Guillermo Portilla Contreras, “El Derecho penal de la ‘seguridad’”, in Various Authors, *La guerra global permanente. La nueva cultura de la inseguridad*, Los Libros de la Catarata, Madrid, 2005, p.54.

discriminatory fashion, on the basis of their aspect or origin. The radical groups that defend violence have therefore greater possibilities to find new recruits among alienated youths that feel they have no future. “In Europe, their targets are not communities tied to a culture of origin, but rather individuals with doubts about their faith and their identity”<sup>28</sup>.

In Spain, the Moroccans are the second largest immigrant community, with approximately half a million persons. This figure could still rise in the years to come due to the difficult economic situation in Morocco, a country with a very young population, with a very high unemployment rates, and because an immigration chain or network is already in place<sup>29</sup>. Theirs is the most disadvantageous position from an economic, or labor based, perspective and this can create sources of marginalization, and second generations with few opportunities to integrate the labor market. The frustration and humiliation that this causes, can therefore be easily exploited, for the extension of radical ideologies.

The mistrust among the immigrant population and the autochthonous population could therefore increase over the next few years, if the marginalization of certain sectors is not dealt with. Spain has experienced the largest growth in foreign population in the entire EU over the last few years, both in absolute and relative terms. This is being used, from various sectors, to identify immigration with crime, and other problems of coexistence. Furthermore, it also implies greater competition for public services that have not yet been able to adjust to the current situation. An important political pedagogic effort would be crucial to avoid debates, which openly or implicitly, promote racism and rejection, as well as a real effort towards integration, and providing this newly arrived population with rights. This pressure should be sustained, and exerted on both sides, to avoid the creation of ghettos, self-segregation, and communitarisms. Similarly, efforts would have to be made to resolve the civic and coexistence.

In this sense, it would be a serious risk, if the, already existing link, between immigration policies and public order in the EU and its Member States is increased, as would occur if right-wing parties, or even the PSOE or the French Socialist Party, “veer towards the right” to compete and remove supporters from the extreme right or to align positions with the United States.

Another risk for the future would be if security is sought above and beyond democracy and the Rule of Law. Spaniards voted for a government that advocated for the fight against terrorism from within the respect for International Law, and democratic norms, and this should be the chosen path. The existing legal provisions are sufficient for the fight against terrorism, as can be demonstrated by the current weakness of ETA, and the capture of those responsible for the 11<sup>th</sup> of March attacks, shortly after the attacks. In any case, legal changes could focus on strengthening guarantees, as is demanded by human rights organizations, and not to weaken

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<sup>28</sup> Juan José Escobar Estemann, “El salafismo en Europa”, *Política Exterior*, Vol. XIX, N°104, March-April 2005.

<sup>29</sup> Fidel Sendagorta, “El trasfondo ideológico y geopolítico del 11-M”, *Política Exterior*, Vol. XIX, N°104, March-April 2005.

them. In many countries this is already taking place, and attempts are made to toughen legislation throughout the EU, a trend which will hopefully come to an end. It is not possible to ensure absolute security, nor to totally eradicate violence, which is why such measures could become permanent and signify an important and definitive step back from democracy.

*ISLAMIC BASED INTERNATIONAL TERRORISM IS A MODERN EXPRESSION OF POLITICAL VIOLENCE THAT SHALL BE PRESENT FOR A LONG TIME. EVEN LONGER, IF THE POLICIES IMPLEMENTED BY THE UNITED STATES AND OTHER ALLIES KEEP SPURRING IT ON.*

A correct evaluation of the risk can also contribute to reduce fear, and therefore the temptations to take “shortcuts”. Western public opinions generally perceive international terrorism as lethal, suicidal and directed primarily against Western targets. Having said this, and as Fernando Reinares rightly points out, this conceals various realities. Firstly, it is more conventional than what is stated and perceived: only 16.5% of all attacks are suicidal, while 46% use explosives and nearly 25% use firearms. Secondly, half of the attacks take place in Central and Southern Asia, 40% in the Middle East and the Persian Gulf (excluding Palestine), and only 1.7% have taken place in Western Europe<sup>30</sup>. The majority of victims, are therefore, not Westerners, although the attention that the media give to various terrorist attacks could clearly give the opposite perception.

International, Muslim-based, terrorism is a modern expression of political violence that shall exist for a long time. Even longer, if the United States’ policy, and that of some of its allies, continue to spur it on. It is essential to be aware of its roots and motives, in order to be able to design adequate policies, and to make an effort to not associate terrorism with either Islam or immigration. As Fred Halliday points out, very rightly, “the fight against terrorism (...) requires a historical perspective, political wisdom and the defense of those principles in whose name the fight is led: in other terms, the campaign can only be sustained if those who lead the fight respect the law and show a certain degree of modesty and historical perspective”<sup>31</sup>.

The removal of troops from Iraq has not made Spain immune to such future threats, and further attacks could take place in the future. But the many years of experience in the fight against terrorism, should serve as an antidote against the criminalization of large segments of the population (such as immigrants, or the Basques in general), and against democratic setbacks. On the international sphere, it is urgent to promote, within the EU, and in multilateral forums, an adequate strategy, based on cooperation, respect for the Law, and dialog. The civil

<sup>30</sup> Fernando Reinares, intervention in the Seminar, *Op. Cit.* See also his article, “¿Es el terrorismo internacional como nos lo imaginábamos?”, in *El País*, 29th of June 2005.

<sup>31</sup> Fred Halliday, “Terrorismo y perspectivas históricas: Comprender y evitar el pasado”, in *Terrorismo global: Del 11-S al 11-M, La Vanguardia Dossier*, N° 10, 2004.

societies in Spain, Europe and the United States, but also those of the Arab and Muslim world (which are those that suffer the most from terrorism) should play a leading role in this process.

## **Bibliography**

- Amnesty International, Open letter to the President, regarding the debate on the state of the nation, *Es hora de concretar en materia de derechos humanos*, 6<sup>th</sup> of May 2005, available on [www.es.amnesty.org](http://www.es.amnesty.org)
- Amnesty International, *Comentarios de la sección española de AI al proyecto de ley orgánica de partidos políticos*, in [www.es.amnesty.org](http://www.es.amnesty.org)
- Barreiro, Belén, “14-M: Y hubo sorpresa”, *El País*, 16<sup>th</sup> of March 2004.
- Bunyan, Tony, *The exceptional and draconian become the norm*, Statewatch Report, March 2005 (revised on the 15<sup>th</sup> of April 2005).
- Escobar Estemann, Juan José, “El salafismo en Europa”, *Política Exterior*, Vol. XIX, N° 105, May-June 2005.
- F. Sanpedro, Victor (Ed.), *13-M. Multitudes on line*, Los Libros de la Catarata, Madrid, 2005. *Foreign Policy (Spanish edition)*, August-September 2004, in [www.fp-es.org](http://www.fp-es.org)
- Gil Calvo, Enrique, *11/14-M: El cambio trágico. De la masacre al vuelco electoral*, Adhara Editorial, Madrid, 2005.
- Halliday, Fred, “Terrorismo y perspectivas históricas: Comprender y evitar el pasado”, in *Terrorismo Global. Del 11-S al 11-M, La Vanguardia Dossier*, N° 10, 2004.
- Human Rights Watch, *¿Sentando ejemplo? Medidas antiterroristas en España*, January 2005, available on [www.hrw.org](http://www.hrw.org)
- Javier de Lucas, “La rebeldía democrática”, in *Le Monde diplomatique*, April 2004.
- Merlos, Alfonso, “Europa frente a Al Qaeda: Errores, lecciones...”, in *Estudios Internacionales de la Complutense*, Vol. 6, N° 1, third cuatrimestre 2004.
- Michavila, Narciso, *Guerra, terrorismo y elecciones: incidencia electoral de los atentados islamistas en Madrid*, Análisis del Real Instituto Elcano, N° 13, March 2005.
- Noya, Javier, *Del 11-M al 14-M: estrategia yihadista, elecciones generales y opinión pública*, Análisis del Real Instituto Elcano, 21st of July 2004.
- Peaceful Tomorrows, *Mañana en paz*, Icaria, Barcelona, 2005.
- Portilla Contreras, Guillermo, “El Derecho penal de la ‘seguridad’”, in Various Authors, *La guerra global permanente. La nueva cultura de la inseguridad*, Los Libros de la Catarata, Madrid, 2005, p.54.
- R. Barber, Benjamin, “La nueva ‘pax americana’ y la tradicional política exterior”, in *Estados Unidos. Imperio o poder hegemónico, La Vanguardia Dossier*, N° 7, June-September 2003.
- R. Barber, Benjamin, *El imperio del miedo. Guerra, terrorismo y democracia*, Paidós Estado y Sociedad, Barcelona, 2004.
- R. Polk, William, “Terrorismo mundial” in *Terror global. Del 11-S al 11-M, La Vanguardia Dossier*, N° 10, 2004.
- Reinares, Fernando, “¿Es el terrorismo internacional como nos lo imaginábamos?”, in *El País*, 29th of June 2005.
- Sendagorta, Fidel, “El trasfondo ideológico y geopolítico del 11-M”, *Política Exterior*, Vol XIX, N° 104, March-April 2005.
- Various Authors, *Madrid 11-M. Un análisis del mal y sus consecuencias*, Editorial Trotta, Madrid, 2005.
- Velsaco, Pilar, *Jóvenes aunque sobradamente cabreados. La rebelión juvenil y el 14-M*, Ediciones B, Barcelona, 2005.

## **Interviews**

- Álvarez, Virginia, responsible for Internal Politics at Amnesty International in Spain.
- Asociación 11-M, Afectados por el Terrorismo.
- Bruquestas, María, expert in integration policies, Holland.
- De Lucas, Javier, professor of Philosophy of Law.
- Ibarra, Esteban, president of the Movimiento contra la Intolerancia.
- Merlos, Alfonso, researcher in the area of International Terrorism in the International Public Law and International Relations Department of the Universidad Complutense (UCM).
- Oianguren, María, director of Gernika Gogoratuz.
- Toda, Teresa, ex subdirector of *Egin*, and member of the Plataforma 18/98+.
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