

Truth and Reconciliation in Morocco

As the first truth commission in the region, Morocco's Equity and Reconciliation Commission sought to address the legacy of more than 40 years of repression and human rights violations known as the "Years of Lead." The commission was part of a gradual process of dealing with the past, an opening that began in the early 1990s. Since completion of the commission's final report in 2005, Moroccans have taken further steps toward reckoning with the past.

YEARS OF LEAD

After Morocco gained independence from France in 1956, Moroccan authorities for many years arbitrarily detained, tortured or "disappeared" thousands of citizens. They also brutally responded to public protests and strikes, causing dozens of civilian deaths.

At first the unrest and violence involved government forces as well as armed opposition groups, especially in the Rif, the northern region that then suffered from "collective punishment" for several decades.

During the 1960s, authorities targeted intellectuals, Marxist activists, trade unionists and members of the left-wing National Union of Popular Forces—indeed, anyone perceived as a threat to the monarchy. In the early 1970s, two unsuccessful military coup attempts led to greater repression. Authorities arrested dissidents and transferred them to secret detention centers, where they were "disappeared." Military officers accused of taking part in the coups were executed after summary trials or were sent to the detention centers; some of the survivors remained imprisoned for as long as 18 years. In 1975 war broke out in Western Sahara between Morocco and the Sahrawi Polisario Front, fighting marked by the disappearance, arbitrary detention and torture of thousands more people.

A GRADUAL PROCESS

In response to growing internal and international criticism, King Hassan II established the Advisory Council on Human Rights (CCDH) in 1990 to advise him on "all matters concerning human rights." Within a few years, authorities released several hundred political opponents, and the king allowed the ratification of several international human rights conventions.

In 1998 the CCDH recommended that the king establish an official body to compensate victims of past human rights abuses. King Hassan approved the proposal just two weeks before he died. In one of his first acts, his son and successor, King Mohammed VI, created the Independent Arbitration Commission (IAC) to

compensate victims of arbitrary detention and forced disappearance. During almost four years of work the IAC decided more than 7,000 cases and awarded about \$100 million in reparations. Some victims and their families complained about the commission's procedures, however, and sought justice as well as greater disclosure of government wrongdoings.

THE COMMUNAL REPARATIONS PROGRAM

Morocco's communal reparations program represents one of the most advanced experiences in the field of collective reparations. It includes:

- a development dimension that seeks to meet the social and economic needs of the targeted communities; and
- a symbolic dimension that seeks to acknowledge past abuses and preserve the memory of them by converting former detention compounds into social, cultural and economic centers, and memorials.

Officials selected 11 communities and regions that suffered from collective punishment or isolation due to the presence of the former secret detention centers to benefit from the program, including al-Hoceima, Khenifra, Figuig, Zagora and Hay Mohammadi in Casablanca.

As a result, Moroccan civil society began to demand the adoption of a comprehensive approach to dealing with the past. A group of former political prisoners established the Moroccan Forum for Truth and Justice (Forum vérité et justice, or FVJ) in October 1999 to campaign for an independent truth commission and a broader definition of reparation. At a national symposium held in 2001, the FVJ, together with two human rights organizations, the Moroccan Association for Human Rights and the Moroccan Organization for Human Rights, agreed on a plan for an independent truth commission and submitted it to the king.

THE EQUITY AND RECONCILIATION COMMISSION

In 2003 the CCDH formally recommended that King Mohammed establish a truth commission to “deepen the democratic transition” and “turn the page of the past once and for all.” He inaugurated the Equity and Reconciliation Commission (IER) in January 2004. The CCDH had recommended members for the IER whom the king then appointed. Several were former political prisoners, including the commission’s president, Driss Benzekri, co-founder of the FVJ and secretary-general of the CCDH.

The IER’s statutes gave it these tasks:

- establish the truth about past violations;
- provide reparations to victims and families; and
- recommend measures to prevent future violations.

The commission was authorized to investigate human rights violations committed during a 43-year period—from independence in 1956 to the establishment of the Independent Arbitration Commission in 1999—and to identify institutional but not individual responsibility for those wrongs. It expanded its mandate from investigations of enforced disappearance and arbitrary detention to include other abuses, including torture, extrajudicial executions, excessive use of force against protestors, sexual violence and forced exile.

Although the IER lacked subpoena power and the authority to carry out searches, public authorities were legally obliged to cooperate. However, the commission complained in its final report about the lack of cooperation from certain security agencies and former officials.

The commission examined more than 22,000 applications for consideration, conducted investigations, and held public hearings throughout Morocco featuring the testimony of victims—an unprecedented event in the region. It presented its final report to the king in December 2005. Shortly thereafter King Mohammed approved publication of the report and asked the CCDH to carry out the commission’s recommendations.

In the report the IER determined the responsibility of state actors and some other parties for past abuses, thus establishing a new “official” narrative. It also outlined extensive individual reparation plans, proposed adoption of a communal reparations program and recommended that the prime minister issue a public apology for past abuses. The commission also made recommendations for new legislation and reforming state institutions to strengthen the rule of law and prevent the recurrence of human rights violations. It advised the Moroccan government to add clear constitutional guarantees of human rights, adopt a national strategy to fight impunity, abolish the

death penalty, ratify the Rome Statute of the International Criminal Court, and reform the country’s security and justice systems.

Despite the commission’s many accomplishments, critics cited its limited investigative powers and lack of authority to hold perpetrators of human rights abuses to account. Groups such as the Moroccan Association for Human Rights organized their own hearings—though without the benefit of national television coverage—in which victims publicly named perpetrators. Perhaps the most significant complaints involved the limited information the commission released about the fate of the missing and the burial sites of the deceased.

FULFILLING THE PROMISES

Since 2006 the CCDH has made substantial progress in carrying out the IER’s reparations programs. The distribution of individual compensation to victims is nearly completed, with \$85 million distributed to some 9,000 people. The CCDH has signed agreements with ministries and official agencies to provide victims and their families with medical care and vocational training at the state’s expense. It also identified 11 regions and communities as deserving of communal reparations, and a program has been established to manage that effort and to make sure that national and local actors are involved.

Important work remains to be done. Communal reparations programs are still in their initial phase. A number of disappearance cases remain unresolved. The IER’s legal and institutional reform recommendations remain in embryonic form.

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