

Morocco's Truth & Reconciliation (IER) Commission

IER: a Model for the Arab World

Launched in 2004, the Moroccan Equity and Reconciliation Commission (IER) was the first truth and reconciliation commission to be established in the Arab world. Based on the prior experiences of countries such as Argentina and South Africa, the truth and reconciliation process is an effective method of transitional justice which seeks to ascertain and expose past human rights violations, with the intention of addressing past conflicts.¹ Abd al-Aziz Binnani, a member of the Moroccan IER Commission, noted that the Commission signifies an unprecedented and transparent discussion on Moroccan penal policy and the process of transitional justice as carried out by various members of civil society in Morocco.²

Completion of the First IER Mandate: The Findings

The 2004 IER Commission was established by King Mohammed VI to advance the compensation work initiated by the Royal Advisory Council on Human Rights (CCDH), established in 1990. Under the supervision of the CCDH's Arbitration Commission, the IER Commission was mandated with the investigation of human rights abuses committed during the period 1956-1999.³ Through the process carried out by the Commission, the government of Morocco has officially recognized that human rights violations were committed by the Moroccan state during this period, known as the "years of lead." King Mohammed VI extended the term of the Commission's mandate to November 2005, providing the IER with seven additional months to complete their extensive investigations. At the completion of its first mandate, more than 22,000 applications had been sent to the IER, 16,861 victims, families of victims, and witness accounts had been presented to the IER and at least 9,779 of these cases were confirmed by the IER.⁴

The work of the IER primarily entailed conducting public commission inquiries. The Commission faced great challenges from the outset, as the Moroccan public was unfamiliar with and initially skeptical about the work of the IER, making many people hesitant to share their experiences. However, as explained by Muhammad al-Bukili, of the Moroccan Human Rights Association (AMDH), televised IER hearings were a unique method of therapy

¹ Alex Boraine, "Minutes- Human Rights Meeting in Brussels." *European Parliament* (28 August 2006): 1. http://www.futurdeleurope.parlament.gv.at/meetdocs/2004_2009/documents/pv/630/630509/630509en.pdf

² Ahmad Amrawi, "Morocco tries to reconcile painful past." *Aljazeera* (26 April 2005) <http://english.aljazeera.net/English/archive/archive?Archiveld=11492>

³ "Country Reports on Human Rights Practices- Western Sahara (8 March 2006)." Bureau of Democracy, Human Rights, and Labor- State Department (2005): 2. <http://www.state.gov/g/drl/rls/hrrpt/2005/61702.htm>

⁴ The International Center for Transitional Justice, "Press Release- Moroccan King Orders Public Release of Truth Commission Final Report," <http://www.ictj.org/en/news/press/release/654.html>

which encouraged victims that had not yet come forward to speak out.⁵ When citizens learned of the public hearings held in Rabat, people became more open to sharing their grievances. The public broadcasts of these hearings gave Moroccan citizens a greater awareness of past human rights violations and the work of the IER, granting them direct access to previously private experiences and testimonies, which underscores the democratizing implications of the Commission's work. Furthermore, victims have regained their sense of worth as citizens through the disclosure of formerly unpunished crimes.⁶

According to a study conducted by the IER Commission, 73% of hearing participants were men, 82% were more than 45 years of age and 85% were direct victims of human rights abuses. 73% of the human rights concerns discussed by the victims were connected to arbitrary detentions, while the other cases involved "forced disappearance, forced exile, death during the violation, and collective damage".⁷ Prior to the public hearings, nearly 100 pieces of literature had been published regarding past human rights abuses. However because all were in written form and not circulated publicly, the majority of the Moroccan population was still unaware of the circumstances surrounding the human rights abuses.⁸ Additionally, little academic research on opposition to the government during the "years of lead" following Morocco's independence has been conducted, further contributing to the lack of awareness of the issue.⁹ Consequently, the work of the IER has become more than a symbolic political statement as institutional responsibility has been publicly acknowledged and awareness has been raised.

From Reconciliation to Institutional Reform

Before the inception of the IER Commission, Chairman Driss Benzekri observed that the public perception of impunity stemmed from individual interpretation of Morocco's progress on the path of democratization. When Benzekri became head of the IER, he emphasized that democratization had evolved to a degree that allowed the IER to place less weight on the liability of perpetrators and more on the reconciliation process itself.¹⁰ Members of the IER asserted that prosecuting individuals is not necessary to transform the system and to move beyond past injustices. Victim Ahmed Herzenni, who testified publicly, has asserted that the majority of victims do not need retribution to achieve reconciliation. Herzenni went on to say, "Most Moroccans share the mood of forgetting and moving forward. For me, what

⁵ Ahmad Amrawi.

⁶ Dominique Lagarde, "En direct des années de plomb," *L'Express* (3 January 2005) : 1. <http://www.lexpress.fr/info/monde/dossier/maroc/dossier.asp?ida=431118&p=2> (accessed 20 March 2007).

⁷ Government of Morocco, "Human Rights," <http://www.maroc.ma/NR/exeres/EA0D0F60-18B7-4F19-8C17-3621378615C1.htm> (accessed 30 March 2007).

⁸ "Interview- Truth Commission in the Arab World," *The Kajo Nnamdi Show- NPR* (14 March 2006) <http://www.wamu.org/programs/kn/06/03/14.php>

⁹ Lagarde, 1.

¹⁰ "Morocco Loses Leading Human Rights Activist," *Human Rights Watch* (21 May 2007) <http://hrw.org/english/docs/2007/05/21/morocc15972.htm>

matters most is not that I get revenge, but that what happened never repeats itself.”¹¹ Thus, the primary challenge of the IER has been to restructure the government from the inside out.¹²

Habib Belkouch, President of the Center for Human Rights and Democracy (CEDHD), has asserted that while Moroccan political parties have focused on other areas of constitutional reform since the end of the IER mandate, the NGO community has continued in its commitment to the process. The Euro-Mediterranean Human Rights Organization and the Moroccan Association for Human Rights (AMDH) organized a national seminar (November 11-12, 2006) focusing on the independence of the Moroccan judiciary, which allowed for collaboration between the judicial system, the government, and human rights organizations in order to facilitate the implementation of the IER Commission’s recommendations.¹³

Additionally, the CCDH, through a process of data collection and data conservation, has developed a public archive of open and closed human rights cases. To date, many Moroccans have been trained in human rights data collection through the CCDH’s archive mandate. The archive has been characterized as well-ordered and comprehensive, providing a great deal of in-depth information on past human rights abuses, as well as a great deal of evidence to contribute to future accountability and institutional reform efforts.¹⁴ The archives include data and transcripts from over 22,000 interviews.

Many additional constitutional reforms, such as greater transparency and independence of the judicial branch, are currently in the legislative debate stage at the committee level in Parliament. As the recommendations and reforms proposed by the IER continue to be examined and carried out by the Moroccan authorities, several key elements must be addressed: the need for further transparency and independence of the judicial branch (along with presumption of innocence and the right to a fair trial), accountability of the security services through the elimination of impunity and enhanced human rights education in schools.

Advanced Women’s and Human Rights

The role of women in Moroccan society has been strengthened by their involvement in the IER process. Many women were family members of political prisoners or prisoners themselves, accounting for 27% of the participants in the public IER hearings. Mrs. Latifah Jbabdi, a former political

¹¹ “Les 12 témoins de l’apocalypse,” *Maroc Hebdo International* http://www.maroc-hebdo.press.ma/MHinternet/Archives_633/html_633/les12.html

¹² Pascale Harter, « Facing up to Morocco’s Hidden Fear,” *BBC News* (19 April 2005) <http://news.bbc.co.uk/2/hi/africa/4457267.stm>

¹³ *Euro-Mediterranean Human Rights Network*, “National Seminar on Morocco,” <http://www.euromedrights.net/pages/412>

¹⁴ Veerle Opgenhaffen and Mark Freeman, “Transitional Justice in Morocco: A Progress Report,” *The International Center for Transitional Justice* (November 2005): 1. <http://www.ictj.org/images/content/1/9/197.pdf> (accessed 7 January 2007).

prisoner and Moroccan NGO community pioneer, was a founding member of the IER Commission and has traveled throughout the world to speak about the experience and accomplishments of the IER. Enhanced rights enable women to be increasingly involved with the implementation of reforms and recommendations put forth by the IER. Furthermore, a number of the IER Commission's recommended reforms focus on individual rights under domestic law. Along with the recent changes to the Family Code (moudwana), the IER has ensured that women are now fully recognized as citizens with equal human and domestic rights.

Also as a result of IER recommendations, several laws and protocols pertaining to human rights have been revised, or will likely be revised in the future. King Mohammed VI has amended national law so that capital punishment has been banned for a number of crimes and many Moroccan prisoners formerly sentenced to death have had their sentences commuted to life in prison. Since 1993, Morocco has been one of twenty African countries to have placed a moratorium on the death penalty, and the IER Commission has played a key role in collaborating with the government to permanently remove it from the Moroccan constitution. The United Nations Protocol 2 (Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Non-International Armed Conflicts) is also likely to be adopted in Morocco.¹⁵

To support the advancement of the IER's recommendations, in February 2007, twelve Moroccan ministries and state agencies, in concert with nine human rights organizations, adopted a five-year plan known as the Platform for Civic Action to Promote Human Rights Culture. The plan centers on educational initiatives and awareness campaigns to promote a culture of human rights awareness, and is targeted at transforming the traditional approach of some police and religious leaders to human rights promotion in Morocco. A group of government officials and human rights activists will annually evaluate the progress of the plan.

Update: Victims Compensation

The IER report determined whether or not victims whose cases have been officially closed, should be provided with compensation and how much should be granted in each case. Overall, the CCDH has advanced a great deal since the IER Commission report was first released in terms of reparations (medical and psychiatric support for victims). With respect to monetary compensation, families began receiving compensation checks in December 2006 and was concluded in August 2007. In total, 23,676 Moroccan victims received compensation checks - totaling more than \$193 million. This statistic includes 1,895 individuals who will be given supplementary benefits for jobs or other professional opportunities that they lost when in prison.¹⁶

¹⁵ Imrane Binoual, "Activists hope Morocco will ban death penalty," *The Magharebia* (3 January 2007) http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2007/01/30/feature-01

¹⁶ "Morocco finishes compensation for rights' victims," *Middle East Online*, 4 August 2007. <http://www.middle-east-online.com/english/?id=21644>

The IER has established an expansive definition of compensation for victims which includes monetary but also social and institutional components, seeking to attend to the socio-cultural issues that monetary rewards alone cannot address. The IER has also recommended that all victims, not merely those with the most serious health concerns, receive funding for their medical insurance. Subsequently, in June 2007 the government of Morocco signed an agreement with the CCDH ensuring that all victims of human rights abuses during the “years of lead” would receive medical compensation.¹⁷ Approximately 15,000 victims and families of victims will also receive medical insurance coverage.

Collective reparations programs for particular communities and areas that suffered from systematic human rights abuses or that were located in close proximity to a detention center, such as the project in Errachidia (in southern Morocco) and the project in Tazmamart (in south-eastern Morocco), are still in the preparation stage and have yet to be initiated. However, elected officials and local organizations in these areas have been chosen to implement the IER recommendations and will be involved in the reparation projects. Furthermore, representatives of the European Union at a ceremony in Rabat in June 2007 signed a pact ensuring a contribution of \$4 million to assist with these and other public projects.¹⁸

Conclusion

Through the implementation of legal, institutional, and constitutional reforms, the IER Commission has played and will continue to play an important role in the further democratization in Morocco. As in other countries that have implemented truth and reconciliation processes, the Moroccan IER is one step in an extensive process of institutional reform. It is important to acknowledge that the IER Commission seeks to accomplish goals in Moroccan society that cannot be reached solely through the legal system. An unprecedented initiative in the Arab world, the IER Commission demonstrates the positive contributions of transitional justice and the Moroccan government’s strong commitment to reform and reconciliation.¹⁹

¹⁷ “Morocco to pay for rights victims’ treatment,” *The Peninsula*, 7 June 2007.

¹⁸ *Ibid.*

¹⁹ “Middle East Program Morocco Trip Report,” *Center for Strategic and International Studies- CSIS* (March 2006): 4.