
Morocco's Truth Revealed, and the Possibility of Reconciliation

MARYAM MONTAGUE

Across Morocco, something is happening. Moroccans are coming forward and telling the truth about state-sponsored abductions, arbitrary detentions, torture, and executions. People are speaking out about lives ruined, widows and orphans created overnight, and individuals and regions marginalized for decades at a time. This public outpouring is not taking place in hushed voices and with backs to the camera. No names and faces are disguised to protect the innocent. Instead, victims of abuse are being given the opportunity to tell the truth publicly with the help of the Equity and Reconciliation Commission (IER), a commission created and supported by the Moroccan monarchy. While truth commissions have been established in countries around the globe, this kind of commission is unprecedented in the Arab world. It's worth sitting up and taking notice.

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Morocco's history explains much of the rationale behind its new truth commission. Following Morocco's independence from France in 1956, there was a 43-year period in which waves of repression were commonplace responses to regular uprisings in the Rif Mountains, two failed coup attempts; agitation for self-determination in the disputed Western Sahara, strikes, and social and political unrest. Known as the *zaman al-rusas* (years of lead), it was a dark time in Morocco's past that corresponded roughly to

Maryam Montague has worked on democratic development projects for various international organizations for more than 12 years. For the past four years, she has focused on the Arab world, and has been based in Morocco.

the 38-year reign of King Hassan II, the father of current King Mohammed VI. Moroccans are somber when they describe the former regime's heavy hand. Indeed, the IER is currently in the process of sifting through more than 22,000 cases of arbitrary detention, torture, and disappearances that are said to have taken place during this period.

Morocco's 41-year old King Mohammed VI credits his father for beginning the country's difficult reconciliation process toward the end of his reign. In 1990, King Hassan II created the Consultative Council on Human Rights (CCDH) to help resolve cases of human rights abuses and disappearances. This was followed by the release of hundreds of political prisoners, many of whom had been languishing in Morocco's prisons for years. The country's laws also were amended to limit the period of detention incommunicado. Despite these efforts, numerous cases of the missing remained unresolved, and the issue of financial compensation was not addressed.

Shortly after King Hassan II's death and the succession of this son, the CCDH announced the creation of an arbitration board to provide financial reparations for those who had been subject to arbitrary detention and forced disappearances. Over a four-year period, the arbitration board distributed more than \$100 million in reparations for nearly 4,000 cases. However, vocal human rights organizations and victims continued to demand more, asking for truth and justice in addition to reparations. Their demands, at least in part, did not go unnoticed.

Following the recommendation of the CCDH in January 2004, King Mohammed VI created the IER. In a speech given at the commission's opening, he explained: "Our objective is to ensure that Moroccans reconcile with themselves and with their history."¹ He described the IER's establishment as an "equitable extrajudicial settlement" to allow "past prejudices to be repaired and wounds healed," and he made clear the monarchy's determination that the IER be "the last milestone on the way leading to the final closure of a thorny case."²

The IER's mandate focuses on the period between 1956 and 1999, ending shortly before the current king took the throne. In practical terms, the IER's mission is fourfold:

1. To receive and review cases of past human rights violations and conduct further research and investigation, as necessary;
 2. To provide financial reparations, as well as rehabilitation, to victims and their families;
 3. To establish the responsibility of "state organs or others" in past human rights abuses; and
 4. To develop a report that includes conclusions and recommendations for further action by the state.³
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Since its establishment, the IER has worked at a fast and furious pace. The commission is under tight time constraints, with its report due in April 2005. The palace's 17 handpicked commissioners (including one woman and a number of former political prisoners) are assisted by nearly 200 staff members and volunteers working around the clock in IER's central office in Rabat and throughout the country. No expense seems to have been spared to support the commission. IER staff member Abderazzak Rebak explained that a budget ceiling for the commission had not been established, as activities were ongoing and the process of financial reparations had yet to begin.⁴ Thousands of cases filed by victims and their families are currently in the process of being reviewed. IER staff members are also organizing investigative visits to formerly secret detention centers, and they are conducting interviews with the military and police to collect additional information. While the commission lacks official judicial powers of investigation, royal support means that public institutions and security forces are obliged to comply with all requests for information and assistance. IER Commissioner Abdelhay Moudden characterized the IER's relationship with the military and police: "To date, there has not been a single occasion when the IER has asked for information, that it has not received it. The military and police have been totally cooperative."⁵

The IER is also organizing or attending a number of other, more public events. These include public hearings and thematic discussions with titles such as: Morocco's Democratic Transition; Violence as a Means of Managing Political Conflict; Social and Economic Reforms; Educational and Cultural Reforms; and Reform of Legislative, Executive, and Judicial Powers. Among all of its activities, the IER's public hearings with victims of human rights abuses have unquestionably garnered the most media attention at home and abroad. In a country where the parliament does not open its hearings to the public on even the most mundane of matters, these hearings—with their first-hand accounts of torture and other abuses—are breaking new ground in Morocco. The hearings, slated to take place in seven cities across the country, are providing approximately 75 victims, relatives, and witnesses with a chance to reveal their awful truths on a public platform. Hearing rules are unequivocal: 20 minutes accorded to each witness, no commentary from the audience, no interruptions, no applause, and no pictures. Witnesses are asked "not to take advantage of the hearings to defend or condemn any political, unionist, or associative organization." They are also asked "not to identify by name the people that victims consider liable for the violations they were subjected to."⁶

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The atmosphere in the public hearings is expectedly sober. Attendance is by invitation only, privileging journalists, elected representatives, and non-governmental organization (NGO) leaders, as well as family members and supporters of those testifying. Although the public at large is not allowed into the hearings, news of the hearings is everywhere. The IER's state-of-the-art website (<http://www.ier.ma>) provides a wealth of up-to-date information in both Arabic and French, feeding hungry hordes of interested international and local journalists with information. Moroccan newspapers and magazines are filled with gut-wrenching testimony, and Moroccan audiences watched, mesmerized, as the initial hearings were broadcast in full on national television. Some witnesses speak in quiet, dignified tones. Others break down and cry, requiring halts in hearing proceedings so that comfort can be ministered by an IER psychologist. The testimony of Khadija El Malki, daughter of an activist in the National Union of Popular Forces (UNFP), is telling in this regard: "Our house was stormed at night by many people and was turned into a real camp...the fact that my mother was pregnant did not deter them. They tortured her and put out cigarettes on her body. In the central police station of Oujda...they beat me with iron bars and tore my clothes to rags while pressing a dirty cloth on my face..." She added: "They subjected me to practices I find difficult to report." The hearings have left even the most hardened of human rights activists affected. Fatna El Bouih, who wrote a book about her five-year prison sentence detailing the torture that she endured, said: "I consider myself a pretty tough person. I have been fighting for human rights for years now and have told my own story so many times. But when I listened to the first people testifying, I felt so ill. I had to leave the room and throw up. Momentarily, it was too much for me."⁸

Despite its difficult nature, few doubt the cathartic benefits of airing grievances in such a public manner. However, some human rights organizations accuse the IER of stopping short of justice for the victims. In particular, many criticize the commission's stipulations that witnesses not identify individual torturers by name. On this point, Mohamed El Bhoukili of the Association for Human Rights (AMDH), one of the country's leading independent human rights organizations, said: "Victims are not permitted to speak freely. They are asked to not talk about their torturers in specific terms. The result is that victims are censoring themselves. And the IER is deliberately sidestepping the truth." AMDH Secretary General Abdelhamid Amine further explained: "The IER is the achievement of AMDH and its partners after years of effort, but it has not answered our need for justice. We are asking the Moroccan state to live up to its responsibilities and pursue those who violated human rights."¹⁰

Given such sentiments, the AMDH is in the process of organizing its own parallel public hearings around the country. Amine said: "Our objective is to reveal the truth, all of it, to reveal the reality of the violations, the truth about the

injustices committed and the persons and institutions who were responsible. It's about listening to people speak without boundaries."¹¹ More than 750 people attended the AMDH hearing in Rabat, with more listening via speaker broadcast outside. A few witnesses did not hesitate to mention torturers by name or to blame the past regime directly. This parallel hearing was held in a conference room rented from the Ministry of Culture, implying the government's tacit acceptance of the AMDH event.

When the Spanish newspaper *El Pais* recently asked Morocco's king during an interview what he thought of criticism that the IER was not providing justice to victims, he responded: "Obviously, I don't agree. I insist. It's not, as some might say, an initiative that is going to divide Morocco in two. There are neither judges, nor persons judged. We are not before a tribunal. We are interested in an unashamed and complex-free examination of this page of our history. We have to start from this point if we are to go forward in the best conditions possible."¹² IER Commissioner Abdelhay Moudden added: "Putting perpetrators on trial is secondary and it is not our job, anyway. Trying perpetrators has not been a part of the work of truth commissions. Look at the commissions in South Africa or those in Latin America. The only exception was the Nuremberg trials. The IER is not here to help the perpetrators, nor are we here to protect them. We are not giving them amnesty, as was the case in South Africa. Victims are free to pursue the perpetrators in court, and the IER cannot and should not take the place of the victims in this regard. It is up to the families of the victims to make a decision on what they want to do."¹³

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A number of human rights activists and political observers are also critical of the fact that the IER's focus is limited to the period from 1956 to 1999, thus stopping short of any state-supported human rights abuses that may have occurred more recently in Morocco. In particular, the commission's limited mandate precludes investigation into allegations of abuse in the wake of the May 16, 2003, terrorist attacks in Casablanca, when approximately 2,000 people were rounded up and detained, many of them Islamists. Human rights activist Mohamed El Bhoukili said: "The IER is looking at violations up until 1999 but violations are still continuing; the security forces have been taking Islamists to the secret detention center in Temara and torturing them. It is all continuing."¹⁴

In the king's interview with *El Pais*, the young monarch admitted that 20

cases of abuse had been identified as related to the Casablanca terrorist attacks, and said that the appropriate authorities were investigating. Indeed, sitting quietly outside the AMDH parallel human rights hearing in Rabat was a crowd of nearly 25 women, many of them in dark *burkhas* with only their eyes showing—an unusual sight in Morocco where women dress in Western clothing, wear a loose *jellaba*, or cover their hair with only a scarf. They complained bitterly that their husbands, brothers, or sons had been arbitrarily detained after the Casablanca bombings simply because they were Islamist. Many alleged that their relatives had been tortured and forced to confess to acts they did not commit. All were still in prison. These women asserted that their contacts with the commission had only been met with advice to seek legal counsel and an explanation that the IER could not help them.¹⁵

In discussing criticisms that the IER's mandate prevents it from protecting those currently suffering from state-supported human rights abuses, Commissioner Moudden said: "Our report will look into reasons for abuses up until 1999 and make recommendations. It will detail those institutions and systemic weaknesses that were responsible. The same ones that were responsible then are responsible now. All our analysis can be extended up until today."¹⁶

It has now been just over a year since the IER was established, and its mandate ends in the first part of 2005. Political observers are already beginning to speculate about the legacy that it will leave behind. Commissioner Moudden described what this whole experience has meant: "When there was first talk of a truth commission in Morocco, the King's advisors were worried that it might incite some kind of social explosion, bring about hatred towards the monarchy, provoke something uncontrollable. None of this has happened. People are rational; they want and need some sort of recognition of abuses that have happened in the past and in return for this recognition, there has been no sign of hatred towards the monarchy. Indeed, it has helped to ensure the monarchy's longevity. So my diagnosis is this: the Moroccan state and the Moroccan society are ready for a change—one that reconciles the state with society and society with the state. And through this process, the state has realized that with greater freedoms, there does not have to be chaos. The state can protect society, but it can also be permeated by society. This is a very important realization. It is a serious move towards real democratization."¹⁷

One can't help but wonder if the realization that Moudden speaks of is one that will spill over Morocco's borders. The editor-in-chief of *Tel Quel*, a leading independent Moroccan magazine, underscored this point: "I can't say whether the IER will serve as an example for other Arab countries. But what is sure is that the opposition in Arab countries will use the Moroccan experience as an argument to advance their own demands."¹⁸ Morocco's truth commission is the first in the Arab world, but will it be the last?

NOTES

- 1 Speech by King Mohammed VI, January 7, 2004, Agadir, Morocco.
- 2 Ibid.
- 3 IER website (accessed March 21, 2005), available from <http://www.ier.ma>.
- 4 Abderazzak Rebak, IER Staff Member. Personal interview, March 21, 2005.
- 5 Abdelhay Moudden, IER Commissioner. Personal interview, February 26, 2005.
- 6 Code of Conduct for the IER and Victims Participating in the Public Hearings (public document).
- 7 Testimony of Khadija El Malki at IER public hearing, January 30, 2005, Figuig, Morocco.
- 8 Fatna El Bouih. Personal Interview, February 9, 2005.
- 9 Mohamed El Bhoukili. Personal interview, February 4, 2005.
- 10 Abdelhamid Amine. Personal Interview, March 22, 2005.
- 11 Speech by Abdelhamid Amine at the AMDH parallel hearing, February 12, 2005.
- 12 Interview of King Mohammed VI with Spanish newspaper *El Pais*, January 16, 2005. Equity and Reconciliation Commission, <www.ier.ma/_es_article.php?id_article=743> (accessed April 10, 2005).
- 13 Abdelhay Moudden, IER Commissioner. Personal interview, February 26, 2005.
- 14 Mohamed El Bhoukili. Personal interview, February 4, 2005.
- 15 Personal interview, February 12, 2005.
- 16 Abdelhay Moudden, IER Commissioner. Personal interview, February 26, 2005.
- 17 Ibid.
- 18 Ahmed Benchemsi. Personal interview, February 28, 2005.

