

Forced disappearance in Morocco

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In this report on forced disappearance in Morocco, we will present a brief overview of what is known in Morocco as the "years of lead" during which several cases of forced disappearance were made. Then, we are going to state the efforts undertaken by the state under pressure from internal and external NGOs of human rights, to shed light on cases of forced disappearance. Thirdly, we will give examples of cases of disappearance recognized by the state and examples of egregious cases whose fate has remained unknown. Finally, we are going to present the claims of human rights NGOs that fight against forced disappearances in Morocco.

Brief overview of what is known in Morocco as the "years of lead"

The "years of lead" is a long dark period of contemporary history of Morocco, during which serious human rights violations were committed by a regime that, despite a multiparty political system, had pursued a systematic policy of forceful repression of all opposition, with its corollary of arbitrariness and obsolete barbarian repression devices.

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Most of these violations have been deemed as state crimes and crimes against humanity. In fact, there were:

- thousands of political detentions, hundreds of people reported missing - about 1,500 according to some human rights NGOs.

- assassinations of political leaders such as Mehdi Ben Barka and systematic physical torture of opponents such as Houcine Manouzi, El Abdi, A. Zeroual and M. Grina among others.

- Disproportionate massive repression of revolts and riots such as those of 23rd March 1965, June 1981 in Casablanca and of 1984 in Marrakesh and of 1990 in Fes, Tetouan and Tanger.

- decrepit penal camps such as Tazmamart and illegal detention centres such as Derb Moulay Chérif or Dar El Mokri.

Morocco has witnessed over thirty years of human rights abuse during which different forms of repression were deployed. The most flagrant cases of these are the 23rd March 1965 revolt, the Ben Barka affair - October 1965, the massive political trials, which in fact, were parody trials and the cases of forced disappearances and illegal detentions at secret and illegal detention centers such as Dar El Mokri, Tazmamart, kalaat M'gouna, Agds, The 'Complexe' and 'El Korbés'.

The multiple repressive devices deployed by what is called the “makhzen system” had absolute power to operate outside the legal system in order to muzzle and /or tame any form of opposition towards the regime. Here, We'll undertake to cite some cases of these violations of human rights and state crimes.

The case which has made the headlines for a very long time and is still not resolved until today is that of the left wing leader, Mehdi Ben Barka. On 29th October 1965, with the complicity of the French secret services, he was kidnapped by the men of Hassan II in the midst of Paris. He was then assassinated and his body was, according to Mr Boukhari, a former political police agent, dissolved in acid in Dar El Mokri.

Those detained in the Tazmamart penal camp, initially a military barrack in the south of the High Atlas Mountain, were the attempted failed coups mutineers, The French of Tunsian origin the Bourequat Brothers and some Africans were subjected to terrible conditions when jailed in cramped dark individual cells. They had to face total isolation, the rough hot and cold climate, the heinous treatment of guards, and were served vile and insufficient food portions. In addition, on their arrival they were told they would never leave that prison. In fact, after 18 long years of detention, only 30 out of 54 were able to survive the terrible conditions.

The Oufkir family is another example. They also had to suffer the ordeal of inhuman detention. At the time of their detention the family consisted of the spouse, the six children, the youngest of whom was only about three, a family relative, and the children's governess. Their only crime was being “the family” of General Oufkir the man who plotted a failed putsch in 1972.

As soon as his funeral was over, the whole of his family was deported to a dwelling in the Akka Oasis to the south of the country. In 1974, they were moved to another site located in Tazmamart. Theirs was a two-room dwelling with walled up windows. The food was rationed daily and amounted to some bread and a tin of sardines while their personal belongings were confiscated.

Three years later, they were all transferred to an old farm near Bir Jdid, 40 kms to the South of Casablanca. This time they were jailed in separate small dark cells. In 1987, after the escape of four of the children, diplomatic negotiations undertaken by their French lawyer failed. Only when the affair was internationally mediated, did Hassan II eventually decide on their release in February 1991. Only five years later, could all the family have the right to get passports and travel abroad. This decision was

made subsequently to the escape of one of the daughters outside Morocco via the northern part of the country.

Another case is that of the Manouzi family. 18 of its members, the father of which and some of his sons UNFP members, were arrested in 1970 and subject to torture in the Derb Moulay Chérif detention Centre. On his second arrest in 1973, Ali Manouzi said he was taken to Derb Moulay Chérif to El Korbès aircraft hangars in the Casablanca airport. Each of the four blocks hosted up to thousands of prisoners with bandaged eyes and in shackles. Their age ranged between 14 and 116 and seemed to bear aftereffects of torture. Some of them died subsequently. Besides, in 1972 one of Manouzi's sons was kidnapped from Tunisia and has been reported missing ever since.

The regime's efforts to turn the page on the violations of the “lead years”

Just before his death, Hassan II (1961-1999) had set up an independent arbitration body - the IAI, in order to indemnify the victims of forced disappearance and those of arbitrary detentions attributable to the Moroccan state security services. In 2004, Mohamed VI founded what is called the Equity and Reconciliation Body (l'Instance Équité et Réconciliation (IER) so as to complete the transitional justice task started by the IAI. This Body was in charge of:

- settling the pending files from the IAI
- establishing the truth about “flagrant violations” of human rights committed by “state devices” between 1956 and 1999,
- paving the way for reforms to avoid their duplication.

The IER consists of eight members from the Consultative Board of Human Rights (Le Conseil Consultatif des Droits de l' Homme: CCDH) , set up by late Hassan II king in 1990, and of eight representatives from civil society, especially from leftist opposition movements, some of whom had themselves been the victims of the lead years era. Driss Benzekri, for instance, who was the IER president as well as the founder of Truth and Justice an association of the families of previous victims

In six months, the newly founded body had successfully met some of its targets. Hence, setting up a highly performant data base, according to Mr Driss El Yazami , allowed the treatment of nine thousand files in nine weeks' time. This institution also collected testimonies on the repression of the 1958 Berber uprising in the Rif area. In addition, it organized decentralized public auditions in ten Moroccan cities. However, on its website the IER published only the testimonies not involving individuals in its keeping with the rule prohibiting any mention of individual responsibility of any suspect.

However, this process aroused some skepticism in university and military circles, Thus, Youssef EL Bouhairi, a public foreign law professor at the university of Marrakesh and a member of the Human Rights Moroccan Organization, feared that the IER would “turn the page on the lead years without having actually read it.”. He pointed out a year was too short to allow for the handling of thousands of complaints from over forty three years of abuse, the longest ever treated by a truth commission. According to Khadija Rouissi Secretary General of The FVJ “should be able to specify

the institutional responsibilities of the administrative bodies involved” . While sparing those involved in these crimes still in office in a Moroccan state that claims its continuity with the previous reign, this body would act in accordance with “ a good compromise to build up democracy”. The task of The IER is certainly to contribute to the establishment of the “truth” about the “lead years” and also about the victims , concluded the ex “missing” Fouad Abdelmouni (1). Having a limited radius of action, “explicitly excludes (...) the establishment of the truth which would incriminate the regime or its policy”.

Cases of forced disappearances for which the State has admitted responsibility according to the final IER report:

In its final report The Equity and Reconciliation Body has enumerated 66 cases for which it was difficult to establish the truth. It recommended that investigations be carried on until the total establishment of the truth .

The CCDH has pursued the investigations as recommended and has proceeded to analyze the data base provided by the authorities on the eve of the publication of the IER report deciding not to take it in consideration in view of the fact that that it received it late. On the basis of these elements and on the basis of new information obtained later from some public authorities, the follow up committee in charge of enforcing the recommendations of the IER proceeded to the analysis and ranking of these cases as follows:

Politically induced disappearances

There are 49 cases in all. One of the victims is M. Abrouk Alami who was exiled to Algeria then to ex-Yougoslavia. He had been reported missing since 1964 and his family hadn't had any news of him since then. Mohamed Baâkili is another. Born in 1931, he was a victim of arbitrary detention further to the March 1973 events. He was held captive for a year in Anfa airport, before being transferred to the Casablanca civil prison. On his release, he suffered from a mental illness induced by the torture he was subjected to. In 1980, he disappeared for the second time until 1983, when he returned home with extremely poor health. Five months later he disappeared again.

The remaining cases, 47 in all, consisting of two women and three children having died in different detention centres, are as follows:

The children :

Moussaoui Batoule ; Ezzhou Rkia ; and Tsellem Soulami.

The women

Khira Talebi ; and Lhmadi Cheikh Ahmed Fatéma.

The men :

Ahmed Ould Sid Old Al Hadi ;

Mohamed Fadel Jed Ahloua Sayed ;

Makhlouf Mohamed Salem Ould Laâbid oud Hama;

Babit Sidi Al Mahjoub ;
Taleb Ben Mohamed Mouloud;
Miyara Mahjoub Ibrahim ;
Mouloud Lahcen Sayeda ;
Mohamed Salem Hamedi Abdellah ;
Sidi Ahmed Ibrahim Lemouahed ;
Elkadi El Khalil Mhamed Moussaoui;
Alhfd Ould Hama Ould Mbarek ;
Najem Ould Brahim Ould ahmed Salem;
Radi Mohamed Mbarek Ben Loulad ben Abdellah;
Ibrahim salem ould Ahmed wahmida ;
Wahmane Naffi Ben Milid Hma ;
Mohamrd lamine Ould Sidi Ould Laâbid Ould Hma;
Mohcine El Amrani ;
Jamil Mohamed Alhaj Amrou ;
Salem Abdellatif ;
El Jaouhari Hammou ;
Ait Naceur Sidi Mohamed ;
Hbbaz Boujamaa ;
Oufkir Ali Ben Dahhane ;
Abdellah Ould Maassoud Ould Abdelkader ;
Hassna Ould Bichri Ould Sidi ;
Abdel Salem Hrafi ;
Omar Abdelouahed Ben Abdelkader;
Hammadi Ould Bichri Sidi ;
Mohamed Salem Ould Ahmed Al âabd Ould Yadhih;
Oudadi Ibrahim Saleh ;
Bennouna Ahmed Ben Abderrahmane;
Chamlal Amrou ;

El khalil Ben Didi;
Hassan Ammar Askna Blaw;
Bounane Lahbib;
Azzhou Mohamed ;
Mohamed El Kouri Moussaoui ;
Saaidi Mbarek ;
Aba Mohamed Salem ;
Chouiikh Ould Ali ;
Mohamed Oul Ali ;
Mhamed Boufouss ;
Najmi El Mokhtar ;
Bouzraa Ahmed ;
Kajjari Hassan ;
Idrissi Moulay Hamid ;
Mouloud Boulh ;
El Fakir Abdelaziz ; and
Dardach Lahbib Ben Mahmoud.

Cases of unresolved flagrant forced disappearance

Ranked according to the years of their happening, the following are blatant cases of forced disappearances whose fates have not yet been known.

1. Abdelhak Rouissi



Abdelhak Rouissi is one of the first extinct since independence, at the age of 25. Framework of the Bank of Morocco, trade unionist and leftist intellectual, he was the linchpin of a strike by public service managers in 1962, and has also campaigned against nuclear testing in the Sahara and against the sand war. Abdelhak Rouissi was abducted from his home Oct. 4, 1964, then tortured and murdered a few weeks later.

A tomb, found in January 2006, the Equity and Reconciliation, the square of the "unknown" Sbata cemetery in Casablanca under the name of Abdelhak Ben X, and could therefore be that of Abdelhak Rouissi.

Recent DNA tests, commissioned by the Consultative Council on Human Rights in Nantes French laboratory, concluded that Abdelhak Ben X is not Abdelhak Rouissi. His parents Lalla Fatima Hassan Skalli and Si Rouissi left before knowing the fate of their son.

Rouissi family continues the fight and claims the creation of mechanisms that have the necessary powers and sufficient even to continue the investigations to establish the truth about the case still unresolved.

2 – Mehdi Ben Berka



The man was a historical figure of the national Moroccan movement under the protectorate, was an opposition leader in the early reign of Hassan II (1920-1965). Born in 1920 in a civil servant's family . He studied Mathematics in Algiers and became a high school teacher. Close to the palace, he taught in the Royal College. One of his students then was the future king of Morocco Hassan II.

At the same time he politically enrolled against the French « protectorate » in Morocco. Therefore, as early as 1943, he was involved in founding the Istiqlal party (The independence party). In 1945, he became one of the main figures of this party which led the country to independence. Also, in 1955, he joined in the negotiations leading to the return of Mohammed V from Madagascar, the land of his forced exile by the French.. Between 1956 and 1959, Ben Barka was at the head of the Consultative Assembly of Morocco. Representing the left wing of a party that was too conservative in his eyes, he then instigated the split and founded the Union Nationale des Forces Populaires of Morocco – UNFP , thus fostering the opposition against the regime.

In 1963, he denounced the border conflict between Morocco and Algeria. Charged with plotting, he was sentenced to death in absentia . Being the main opposition leader in Morocco, he had denounced “this medieval regime which is attempting to resuscitate those medieval structures of Moroccan society”.

Consequently he was pushed to exile. He lived in Geneva and in Cairo where he imposed himself as an active member in the third world struggles. Hence, he was asked to organize the participation of third world revolutionary movements at the 1966 Havana tricontinental conference .

Mehdi Ben Barka was kidnapped in Paris by French police officers on 29th October 1965 at 151, Saint Germain Boulevard. He was taken to the Fonteney –le – Vicomte villa in the Essonne Area. Since then, he has never been seen. What is called the Ben Barka affair began. Today we know that he had been tortured by Mohammed Oufkir the head of the secret Moroccan Police . His body has never been found.

3 – Houssine El Manouzi



Born on 11th March 1943, Houssine Manouzi, a 29- year- old plane mechanic and a trade unionist and member of the Union Nationale des Forces Populaires Party was kidnapped by security services on 29th October 1972 in Tunis the capital and driven in the trunk of a diplomatic car to Morocco . Until today nothing is known as to what then happened to him.

4 – Atkou Ahmed Ben Ali

He was then a student at The Crown Prince High school in the town of Ouarzazate. He was acquainted with some students from the Western Sahara who in turn were kidnapped in 1975.

5 - Akoudar El Yazid

He used to be a technician agent in the regional administration of Agadir. He got kidnapped on 26th March 1980 on his way back home from work.

6 – Omar El Ouassouli



Omar El Ouassaouli was born in 1955, in Jorf, a small village in Errachidia Province. He got his Baccalaureate in 1975. He studied in the Meknes National School for Agriculture for the 1976-1977 academic year. Known to be a supporter of 'Ilal Amam', Omar was an activist in ENA a student association. In 1979, he got an agricultural engineer post in Khénifra.

Soon he was summoned by the police three times in 1980. In September of the same year he was held for 27 days at the police station.

As he was offered a job by the FAO, he went to France to do engineering studies . However, the Ministry of Agriculture did not approve of his new job. In January 1983, he found a job in a Belgian engineering consulting company ITECO. Two days after getting his annual vacation on 15th February 1984, he went to visit his brother Abdelhak in Casablanca . Nothing seemed unusual then when he told his brother he would go to Kénitra for a few days. This was the last time when he was seen.

7 – Salhi Madani

Still a student in 1974, he was jailed for 15 days. On graduation with a BA degree he was appointed as an authority training agent. To become a lawyer he then resigned from this on 30th May 1983. Three years later on 15th May 1986, he disappeared.

8 – Islami Mohamed

Born in 1970 in the city of Oujda, he was kidnapped from his sister's home in The Océan area in Rabat on 29th November 1997. He had just had his PHD degree two days before.

9 - Belkacem Ouezzane



Arrested in April 17th of 1972 on the borders of the Moroccan-Algerian, Mr. Belkacem Ouezzane Figui born in 1924, was transferred to secret detention center of Anfa Airport in Casablanca, better known under the name "Corbis" and then the center

of Derb Moulay Cherif in the same city. Illegally detained until January 73, he was imprisoned in Kenitra Central Prison.

Referred to the permanent military court in Kenitra, M. Belkacem Ouezzane was released in August 30, 1973 and was kidnapped in the same day within the prison, he has been missing since that date.

According to witnesses, he was seen in the secret detention center in Temara, where he spent about a year, then the center of Tagounit where he remained two years before being transferred to the center along with a Agdz group of inmates.

His name has been cited by CCHR in 1998 among those who died during their forced disappearance.

10 – Abderrahmane Derouiche

An immigrant worker in Germany, he returned to Morocco to spend his vacation there on 4th July 1999. The last time he was seen was on 20th July with three strangers in his 250 Mercedes car which disappeared as well.

Human Rights NGOs struggling against forced disappearances claims:

If human rights organizations have first fought to get a primary recognition of the state responsibility in forced disappearances during the lead years, today these organizations are demanding the enforcement of these recommendations, knowing that until today the state still resorts to kidnaps.

Among the most recent examples of forced disappearances are:

1 - Adnane ZEKHBATE, kidnapped on 19th March 2010 from a mosque in Errachidia town.

2 - Abdelaziz JANAHA, kidnapped on 18th April 2010 from his house in Bouznika town at midnight.

3 - Younès ZARLI, kidnapped on 12th April 2010 from his parents' house in Casablanca.

4 - Abderrahim ELHAJOULI, kidnapped from his house in Casablanca on March 30th of 2010.

Human Rights Organizations such as The Moroccan Association for Human Rights, The Justice and Truth Forum, The Moroccan League for Human rights, The Human Rights Organization and The Equity Association demand that the Moroccan government ratifies the International convention for the protection of all the people against forced disappearances.

In addition, they demand the application of all the recommendations of the outcome of The Equity and reconciliation Body which are as follows:

The recommendations

To ensure non-recurrence of serious violations of human rights and consolidate the reform process in the field, the ERC under the pressure of NGOs on Human Rights has issued a series of recommendations, including on constitutional reforms, the implementation of a national strategy to fight against impunity and monitoring recommendations.

I- The consolidation of constitutional guarantees of human rights, including the inclusion of the principle of the rule of International Law of Human Rights on domestic law, the presumption of innocence and the right to a fair trial ...

Moreover, it is recommended strengthening the principle of separation of powers and the constitutional prohibition of any interference by the executive in the organization and functioning of the judiciary.

It recommends explaining the constitution, the hold of fundamental rights and freedoms, respect the freedoms of movement, expression, demonstration, association, strike ... as well as principles such as the secrecy of correspondence, the inviolability of the home and respect for privacy.

In addition, the Human Rights NGOs recommend to strengthen the control of the constitutionality of laws and autonomous regulations emerging from the Executive, by providing in the constitution the right of every litigant to invoke an exception of the unconstitutionality of a law or regulation independently.

Like the longstanding constitutional prohibition of the one-party system, they finally recommend the prohibition of forced disappearance, arbitrary detention, genocide and other crimes against humanity, torture and all cruel, inhuman or and the prohibition of all degrading forms of discrimination internationally prohibited, and any form of incitement to racism, xenophobia, violence and hatred.

II-The adoption and implementation of an integrated national strategy to fight against impunity. The Human Rights NGOs believe that the eradication of impunity requires, in addition to legal reforms, the development and implementation of public policies in the areas of justice, security and maintenance of order, education and training, as well as active involvement of the whole society.

This strategy must be based on international law of human rights, carrying out the harmonization of criminal law with international commitments, and this:

- By integrating the internal law definitions, qualifications and elements of the crimes of forced disappearance, torture and arbitrary detention. Using the definition of liability and penalties as defined in international instruments

- Requiring any member of staff responsible for civil or military law enforcement to report any information concerning the said crimes, what that Either the authority Sponsor

- By significantly strengthening the protection of victims' rights and remedies.

III- The Human Rights NGOs consider the consolidation of the rule of law requires further reforms in the areas of security, justice, law and criminal policy and political legislation. Thus, they recommend:

- 1-The governance of security apparatus that would require an upgrade, the clarification and publication of regulations concerning the powers, organization, decision-making processes, modes of operation and systems of supervision and evaluation of all safety devices and information, without exception, and authorities in charge of maintaining public order or in hold of the power to use public force.

- 2-Strengthening the independence of the judiciary, beyond the recommendations of constitutional order, the review by an organic law, of the status of the Superior Council of Magistracy (CSM). NGOs recommended in this regard, that the chair of MSC by delegation to the First President of the Supreme Court and the expansion of its membership, to other areas as the judiciary, ...

- 3-The upgrade of the law and penal policy, which requires the strengthening of guarantees of rights and procedure against violations of human rights, the implementation of the recommendations of the National Symposium held in penal policy Meknes in 2004, a definition of violence against women in accordance with international standards, the implementation of the recommendations of the Consultative Board of Human Rights (CCHR) for prisons (enlargement of the prerogatives of the judge's application of penalties , use of alternative sentences ...)

4-Monitoring mechanisms. NGOs of Human Rights consider the following questions must be the aim of procedures and monitoring mechanisms:

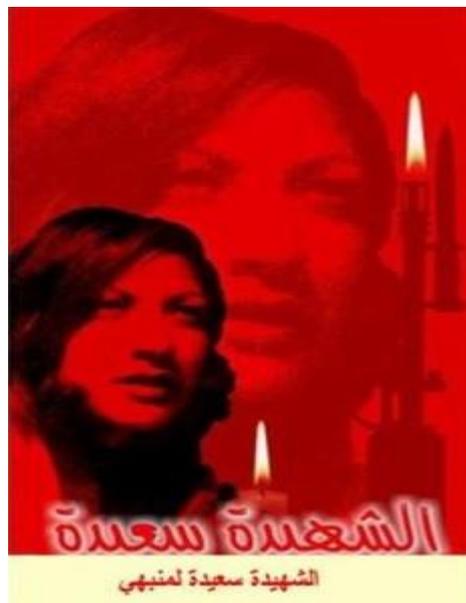
- The enforcement of decisions relating to compensation and monitoring the implementation of other terms of compensation the medical and psychological rehabilitation of victims, the Community Service programs;

- The implementation of recommendations relating to the establishment of the truth concerning cases still unresolved;

- The implementation of reform recommendations made by the IER the preservation of IER archives and public records.

THE YEARS OF LEAD; A BRIEF HISTORY

The following is a living testimony of Mrs. Fadoua Loudiy, the niece of Sister Comrade Saida Lemnebhi, whose entire family has suffered years of lead through repression, kidnapping and prisons since the 1970s.



The Years of Lead or the “black years” refer to the years of Hassan II's reign, from 1961 when his father Mohammed V died, to his own death in July 1999. During these years, officials acting on behalf of the Alaouite monarchy have tortured, kidnapped, arrested and murdered without a trace thousands of victims. In a literal sense, the Years of Lead refer to the bullets that security forces fired at unarmed citizens during demonstrations and uprisings; figuratively it has come to designate a time of fear, state terror, and the victimization of thousands of innocent people—men, women and children. This gruesome state of affairs began

right after independence and the first targets were pre-independence political parties who yearned to be part of the political game and have a share of power with the monarchy, in particular the Istiqlal party (the party who led the struggle against the colonial powers and whose name means independence in Arabic) and the Union Nationale des Forces Populaires, which was an offshoot of the Istiqlal party and led by Mehdi Ben Barka, a charismatic leader who Hassan II perceived as a threat to his power and whose actual fate remains unknown, despite some evidence (by credible witnesses) that he was kidnapped in Paris, killed by Moroccan security forces in concert with French, American and Israeli agents, and his body was dissolved in a vat of acid.

The exact number of victims of the years of lead is difficult to pinpoint but estimates point to 50,000 people. During the Years of Lead the violence targeted leftists militants more than any other group by today, since the events of Casablanca in 2003, repression targets the Islamists mostly but also human rights advocates, leftist and Saharawi militants, a repression that is made possible thanks to the makhzen, the political police apparatus that King Hassan II consolidated during his rule.

A DECEPTIVE CHANGE

In the early 1990s, due primarily to international pressure, the monarch Hassan II in throne since 1961 was forced to make changes. These changes included an acknowledgment of the existence of secret prisons, the release of some political prisoners and a loosening of constraints on public discourse. The other notable change was the introduction of concepts of human rights and democracy into the rhetoric of the State. The death of King Hassan II and the enthroning of his son, Mohammed VI, gave a boost to these changes. The newly enthroned King rushed to make public statements about the country embracing a democratic transition (hinting at the beginning of a new era) and gave orders for the creation of an official body to investigate the Years of Lead and provide recommendations for dealing with the legacy of his father's rule. The mandate of the IER which covered a forty-three years period (1956—1999) and about 9000 cases, was to:

- 1) establish the truth (through testimonies and interviews with victims and their families);
- 2) provide recommendations aimed at preserving public memory and guarantee a genuine rupture with the abusive practices of the past, erase the scars of the violations and restore and reinforce trust in the State and respect of human rights;
- 3) foster reconciliation, defined as “the contribution to the culture of dialogue in order to consolidate the democratic transition and a state where the law rules, in order to promote civic values and a culture of human rights.

The IER organized and held a series of public testimonies where victims and/or surviving members of families have been invited to speak about their respective ordeals, tell their story of disappearance, torture or arrest but with strict instructions not to assign responsibility. Recent information suggests that the king had specifically requested from the IER that two conditions be respected: one related to the memory of his father, King Hassan II, that he is not named as responsible for any of the violations so that his memory is not sullied. The second condition is intimately connected to the first and relates to the naming of perpetrators during the testimonies. Therefore, witnesses were prohibited from invoking individual responsibilities or

naming of torturers, even if they knew them by name. In its constitution, the IER is referred to as a non-judicial body. Pierre Hazan explains that the future leaders of the IER, Driss Benzekri, Salah Ed-Ouadie and Driss el Yazami made a deal with the king:

They accepted the price to be paid: the absence of punishment of those who had committed human rights abuses. For these human rights activists, renouncing justice was easier to accept because 'the conditions for an impartial process for the perpetrators and those that gave the orders are not feasible due to the lack of a proper judicial system,' [...] They also believed that without an alliance with the palace, no way existed to pursue democratization (4).

Given the reality that the Moroccan judicial system is corrupt, trials of perpetrators would have been a farce at best. The deal then was to eschew punishment for perpetrators in exchange for providing victims with the opportunity to tell their story publicly. In other words, at the same time that victims were recognized as such and acknowledged in their suffering, those who were responsible for their grief were shielded not only from prosecution but, most importantly, from public scrutiny and shame. What a tragic irony given the fact that the focus of the IER seems to be very much on the victims and their ordeal, as shown in the time allocated to public testimonies and their broadcasting on national television. Obviously, this did not sit well with victims and human rights activists. The following section highlights the struggle of victims and human rights advocates to secure accountability and put an end to impunity.

HUMAN RIGHTS ORGANIZATIONS' EFFORTS: THE AMDH AND THE FMVJ

Members of the AMDH and the FMVJ have working to lift “the veil on the dark years without fear of repression in the future” (in ICTJ's report, 1). Since its inception, made explicit in its name, the mission of the FMVJ has been to unveil and communicate the truth (since they consider it to be known, not simply made public) about the Years of Lead, serve justice for those victims who are still living, and preserve the memory of those who perished like Saida Menebhi, Abdellatif Zeroual and Amine Tahani, among many others.



This was evidenced in the commemorative activities that the FMVJ's members organized in collaboration with other local human rights groups. One of their most publicized events is “the truth caravan,” where citizens were invited to join members of the Forum in visits to infamous places such as the secret prisons of Tazmamart and Ka'laa M'gouna, and torture centers of Derb Moulay Ch'rif and Dar Mo'kri. While its

members agree that reparations (financial and other) are a necessary part of the Moroccan project of confronting the past, they are not sufficient and should be only one aspect of it. In addition to reparations, the FMVJ and the AMDH have been asking for a comprehensive approach to the past, one that includes “rehabilitation of the victims, restitution of remains of 'disappeared' persons for reburial and monetary benefits to victims and relatives with medical care, education and shelter for all those involved” (5).

They also demand that the State recognizes its responsibility in the suffering that citizens endured and offers an official apology to victims. For the FMVJ, the goal of transitional justice should be to establish the truth so that responsibilities are assigned and a culture of accountability develops. Like other victims' groups in Latin America, the FMVJ's slogan has been “so that it never happens again.” In addition to the FMVJ, the Moroccan Association for Human Rights (Association Marocaine des Droits de l'Homme ou AMDH), the most critical and vocal human rights organization in Morocco, was a great catalyst for these efforts. Through their advocacy work, the state was forced to recognize that they are a force to be reckoned with. For the AMDH, as expressed by its former president, Abdelhamid Amin, a former political prisoner who spent twenty years in prison because of his political opinions, there are five principles that need to be part of the transitional justice in Morocco:

(1) Exposing the truth (the extent of the violations, their conditions and consequences) and establishing responsibilities (state, the institution of the monarchy, the army, and different police and security forces).

(2) Putting an end to impunity by bringing criminal charges against those found guilty

(3) Achieving equity, which includes reparations (financial as well as moral, individual and collective) and the preservation of public memory (memorials for victims and a public official apology presented to the victims and society as a whole).

(4) Initiating reform (institutional, educational and other) to ensure the “never again” as well as the establishing of the rule of the law.

(5) Ensuring that the conversation about political crimes includes economic crimes as well as these two are intimately linked.

During the Years of Lead, fear was the Moroccan regime's modus operandi so even talking with or about neighbors or friends involved in politics could then be interpreted as a crime and become an excuse of arrest, torture or kidnapping. Fear produces silence and political silence produces historical amnesia, so entire generations were growing up in total ignorance of the recent history of their country or had partial or distorted knowledge of it. So, the public hearings that the IER organized in several cities across the country become the occasion for the nation as a whole to come face to face with the horrors of its past and be acquainted with its history. For those who testified, it was time for recognition and acknowledgment, it was time to break the vow of silence.

The main problem with the IER, then, is that it was solely focused on the victims, not those responsible for the suffering of the victims. Thus because its mandate was restricted in terms of its scope, the IER was unable to get to the full truth about the years of lead. The exclusion of perpetrators from the process was not accidental. It was part of the deal negotiated between the monarchy and those former political prisoners who accepted to be part of the IER. The mandate of the IER did not allow for judicial prosecutions or indictment of those accused of torture, disappearance

or murder of thousands of innocent citizens. Furthermore, the fact that the IER's scope was limited to victims is evidence that any truths that the State has been seeking through this process are bound to be one-sided and partial.

In short, the IER's hearings were seen as disingenuous and exclusive by many victims and human rights advocates, so the Moroccan Association of Human Rights (Association Marocaine des Droits Humains, AMDH) and the FMVJ sponsored alternative public hearings. Hazan notes that “a number of former victims, human rights activists, Islamists, and most of the victims from the Western Sahara complained that the IER had granted impunity to the torturers and their superiors. They accused the IER of distorting transitional mechanisms to protect those responsible for the repressive system—if not whitewashing their past then sparing them any punishment”(6).

In these alternative hearings held in 2005 (February-July), which the government did not allow to be televised or broadcasted through media outlets, victims were allowed to name their torturers and even implicate those who still hold high office in the government. These events, held in several cities across the country as well as France, were held under the slogan: “Completely Free Testimonies for Truth.” The naming of perpetrators is primarily symbolic since the AMDH does not have judicial power, but unlike the IER hearings, these had credibility as naming sought accountability from those responsible for the death and suffering of innocent people. Shielding perpetrators of atrocities provides them with impunity, which should not be the case in a society that is democratizing. Hidden from public view, public naming of perpetrators became part of securing and recognizing that truth, which would be the beginning of serving justice for the victims of the Years of Lead.

A recently published report by Amnesty International evaluating the Moroccan state's effort to deal with the legacy of the human rights abuses of the Years of Lead states:

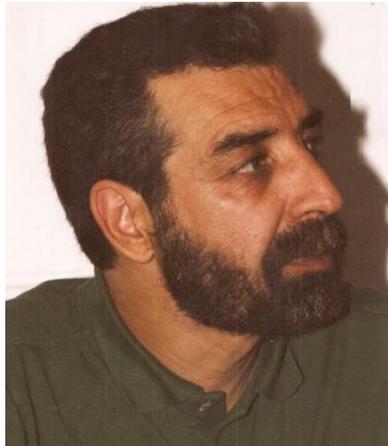
major shortcoming of the IER truth-seeking process is its offer of only partial truths: truths as seen and lived by the victims and their families, without including in its work the narratives and perspectives of the perpetrators and the forces behind such human rights violations. This timidity was perhaps out of fear that unveiling the whole truth would lead to unacceptable conclusions, from the perspective of the Moroccan authorities, about the monarchy and about individuals who continue to hold powerful positions of authority thereby, shaking the fundamentals of the country's political structure (5).

The mandate of the IER states that the commission will seek to determine “the responsibility of governmental entities, or others, for the violations, and the facts under investigation.” The conducted investigations and testimonies led to the collection of a huge amount of information and archival material but all of this information is incomplete, highly partial in both senses of the term. While one could argue that some aspect of forensic (partial) truth has been achieved, this is not the truth that victimized citizens have been seeking. The truth they have been seeking is a validation of their experience, a recognition of the injustice they suffered. As observers, we only know what happened to whom, not who did what to whom. Responsibilities have not been assigned because the perpetrators of the violations have been provided anonymity and truth has not really been sought, nor has any kind of justice been achieved as those responsible have been provided with immunity and impunity.

TESTIMONY

Many members of my family were violated by the Hassan II regime during the Years of Lead but the absence of my father, Aziz Loudiy, due to his political imprisonment during the first ten years of my life was probably the experience that most impacted me. My father was arrested in August 1972, subjected to torture (the details of which I wish not to now), when I was one month old and released when I was ten. His torture and arbitrary imprisonment have had negative impact on his physical health, as is the case with most victims of incarceration. But perhaps the most damaging impact is on his psychological health as certainly on the rest of the family as well, an impact that is lasting but difficult to quantify.

My uncle, Aziz Menebhi, was in political exile for almost 20 years after he was kidnapped, disappeared for over a year and then released to be sought again. Aziz was the UNEM president before his kidnapping and quite a charismatic leader in the leftist movement in the early 1970s. Kidnapped in January 1973 he was finally released in August 1976. .



During his 13 months in forcible disappearance, Aziz was subjected to all kinds of torture which affected his health so much that he feared he was on the verge of death. In fact, he developed a rare disease called Behcet, an ailment that damages blood vessels throughout the body. He fled to France to seek medical treatment when they tried to arrest him again. He will learn about his sister Saida's death in France. My grandmother's pain and suffering is similar to that of the mothers who told their stories this morning.



The death of my aunt Saida Menebhi at age 25 was the most tragic event in the family. Saida was kidnapped from her home in January 1975 and kept in arbitrary arrest for 4 month. To protest her and others political prisoners' treatment as criminals,

Saida started a hunger strike in November 1977 that lasted 44 days, after which her health deteriorated dramatically and physicians denied her care because she was a political dissident. Thirty-three years later, she is still remembered as a symbol of courage and an inspiration for women and human rights activists in Morocco and beyond.

Tomorrow December 11th marks the 33RD anniversary of the death of Saida. On this occasion, to honor her, I will share with you one of the poems she wrote in prison.

Do not cry comrade

**Do not shed tears
On your pale face
Grave of pain
Tomorrow my comrade
We will see far away
Towards the horizon, towards
The rising sun
Your suffering
In my guts I feel it
And my heart breaks
Resist comrade
Partner of combat
The mountain awaits us
With all the revolutionaries
All the innocent people
And those who want
To face the challenge
Do not cry comrade
Woman
Whose vulnerable voice
Makes the heart beats
Of all combatants
Your transparent tears
Leave them for the new day
Because we will cry of joy
Where our dear land
Returns to us.
Do not cry comrade
Forget your pain
Your resistance
Is that of a Palestinian
Fighting for Jerusalem.**

**CONCLUSION: TESTIMONIES AS A MORAL WEAPON IN THE STRUGGLE FOR
ACCOUNTABILITY AND JUSTICE**

Finally; events like this conference organized by the ICAD are important at many levels. First, they bring families and activists together so that they can join efforts

in the struggle for human rights. Second, they provide victims and their family a forum to tell their stories, which is an important aspect in the struggle for public memory. Forgetting the past is the worst injustice to victims like Saida, Zeroual, Ben Barka in Morocco and victims of oppression everywhere. Testimonies put a human face onto the past and they ensure that the past does not fall into oblivion. In the aftermath of a state's violence against its own people, testimonies can serve as the opportunity for deliberation not just about past actions (responsibility, accountability and justice) but also about possibilities for the future of that people (identity, allegiance, affiliation). Kay Schaffer and Sidonie Smith explain:

These acts of remembering test the values that nations profess to live by against the actual experiences and perceptions of the storyteller as witness. They issue an ethical call to listeners both within and beyond national borders to recognize the disjunction between the values espoused by the community and the actual practices that occur. They issue a call...to respond to the story; to recognize the humanity of the teller and the justice of the claim; to take responsibility for that recognition; and to find means of redress. (3)

Victims' testimonies like those we have heard today are moral weapons in the struggle against both impunity and oblivion. These stories are the most powerful tool in this struggle. These stories are heartbreaking, the names are different but the pain, the grief and the suffering of losing a son, a daughter, a husband, a wife, a father or a mother is the same, it is universal. It is important to continue to provide victims with opportunities to tell about their struggle; they stories demand justice for the past and provide a powerful reminder for younger generations to be vigilant so that the past does not reproduce itself. It is also important to encourage victims to name their torturers or perpetrators of crimes against humanity who should not be shielded from public scrutiny and judgment, at the least. Events such as this one, caravans for truth organized in Morocco, mock trials, etc raise public awareness about the past and help victims and human rights' activists gain public support for their cause.

So I say let us continue meeting and demonstrating in the streets so that arbitrary arrests, torture, disappearances and all kinds of oppression against innocent victims stop. As Saida said:

**Resist, continue the struggle
Struggle forever
For the power of the farmer and
The power of the worker
For the love of our country.**