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PS 531: International Law
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Truth after Tazmamart:

Lawfulness in Morocco's Equality &
Reconciliation Commission

“How can a legal system restore respect for law and justice after the collapse of a regime that respected neither?” - Lon L. Fuller

سنوات الرصاص

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The Years of Lead

Early 1960s - Early 1990s

هيئة الإنصاف والمصالحة

Equity & Reconciliation
Commission (ERC)

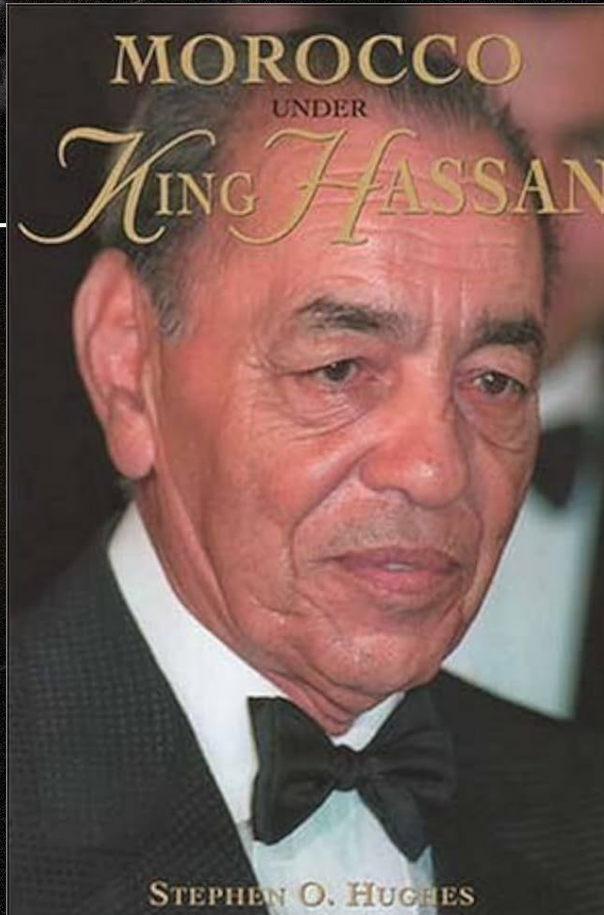
2004 - 2005

Why did the ERC not name or punish perpetrators when international norms shifted towards individual accountability for human rights violations?

I argue that the Equity and Reconciliation Commission significantly reduced threats against the monarchy during the Arab Spring precisely because the ERC did not punish perpetrators.



The Years of Lead



King Hassan II r. 1961 - 1999

"The Great Survivor"

- *Al-Makhzan*
- 1965 Casablanca Riots
- 1971 Skhirat Palace Attack
- 1972 Coup d'Etat Attempt

Response: Political Repression

- Forced Disappearance
- Torture in Illegal Prisons
- Wrongful Imprisonment



The Years of Lead in Everyday Life

Gross Violations of Human Rights

In 1964, 18 men who smuggled arms in from Algeria were sentenced to death and executed in military tribunals.

(Hughes, 2001, 123)

Political Repression

In 1965, General Mohamed Oufkir, the new interior minister, repressed rioting in Casablanca, and tolls are estimated to be around 50 dead and 200 injured.

(Hughes, 2001, 130)

Everyday Corruption

A youth with no powerful connections to protect him may be forced to sign a police report and spend months in jail for a crime he didn't commit.

(Moukhlis, 2008, 358)



Individual Accountability

THE JUSTICE CASCADE



HOW HUMAN RIGHTS PROSECUTIONS
ARE CHANGING WORLD POLITICS

KATHRYN SIKKINK

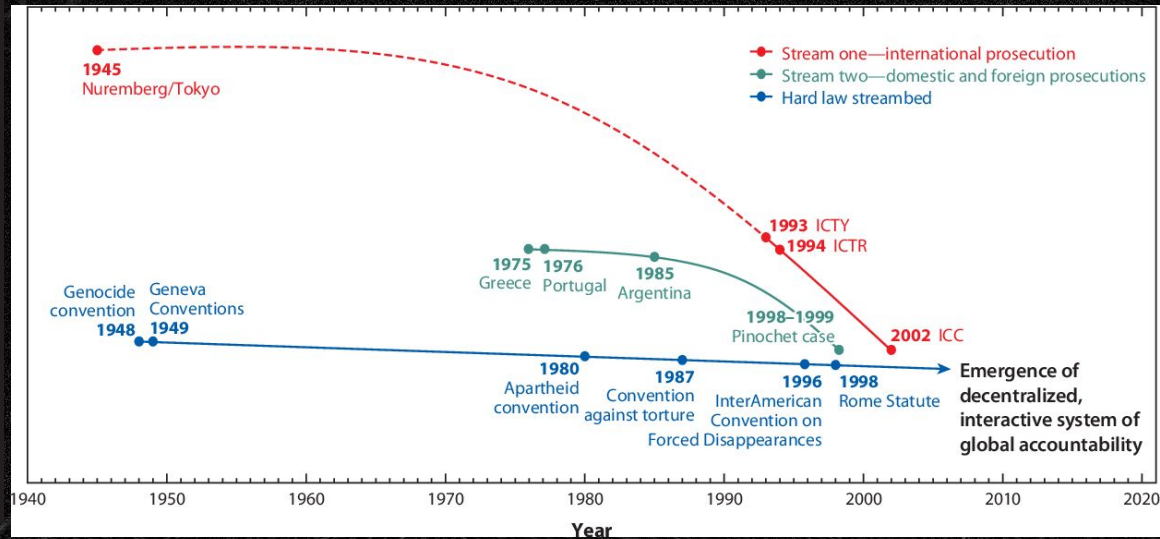
Individual Accountability in International Law

1945: Nuremberg Trials Precedent

1984: UN Convention Against Torture

1998: Pinochet Case

1998: International Criminal Court (ICC)



Why did the ERC not name or punish perpetrators when international norms shifted towards individual accountability for human rights violations?



Legal Legitimacy



Summary of the Final Report

The Equity and Reconciliation Commission (ERC)

Mandate: "to assess, research, investigate, arbitrate and make recommendations about the gross human rights violations that occurred between 1956 and the end of 1999."

Oral Testimony

- Varying levels of cooperation
- Public hearings were limited
- Archives were deplorable

Accordance with International Law

Decision taken	No. of files	Proportion
Financial compensation	6,385	37.9%
Financial compensation with recommendation for reparation for other injuries	1,895	11.2%
Recommendation alone	1,499	8.9%
Total	9,779	58%

Decision taken	No. of files	Proportion
Lack of competence, with referral to the competent body	66	0.4%
In abeyance	18	0.1%
Rejected	854	5.1%
Dismissed	150	0.9%
Inadmissible	927	5.5%
Lack of competence	4,877	28.9%
Incomplete files	190	1.1%
Total	7,082	42%



Risking Political Consequences



King Mohammed VI in the 21st Century

1999: Death of King Hassan II

Start of Mohammed VI's Reign

2004-2005: Equity & Reconciliation Commission

2011: Morocco's "Arab" Spring

Constitutional Reforms

"Unity in Diversity" - الوحدة في التنوع

"Its unity, is forged by the convergence of its Arab-Islamist, Berber/Amazigh and Saharan-Hassanic components, nourished and enriched by its African, Andalusian, Hebraic and Mediterranean influences."



Twenty years later, we were awarded 'compensation' -- a sum of money to forget, to forgive, to reconcile ourselves.

But with whom? With what?

Can you be compensated for your youth, lost in the limbo of prison?

For your health, destroyed by disease, cold and vermin?

For your mother, whom despair, weakness and disease carried off?

There is nothing to compensate, nothing to forgive.

You must just forget.

Aziz Binebine, *Tazmamart: 18 Years in Morocco's Secret Prison*, trans. Lulu Norman, 1st ed (Chicago: Haus Publishing, 2021), 2.

Shukran! Tanmirt! Merci! Thank You!

Do you have any questions?

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<https://sites.google.com/ncsu.edu/reese>

<https://www.youtube.com/@HistoricalMethodMan>

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