

**Truth After Tazmamart:  
Lawfulness in Morocco's Equity and Reconciliation Commission**

---

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.

## Introduction

In their famous debate, legal scholars H. L. A. Hart and Lon L. Fuller asked a rich historical question about reconciliation in the German context after the fall of the Nazis: how can a legal system restore respect for law and justice after the collapse of a regime that respected neither?<sup>1</sup> This question remains relevant when considering Morocco's *Equity and Reconciliation Commission* (هيئة الإنصاف والمصالحة), or the ERC, which sought to right previous wrongdoings, namely the torture and forced disappearance of King Hassan II's political opponents during *The Years of Lead* (سنوات الرصاص). This period of state violence, loss, and repression in Morocco spanned roughly from the early 1960s to the late 1980s or early 1990s.<sup>2</sup> After King Hassan II died in 1999, King Mohammed VI established the ERC, which operated between 2004 and 2005, as an advisory body with the power to compensate victims but without the authority to name perpetrators or compel testimony. Yet, it never named perpetrators or compelled witnesses to

---

<sup>1</sup> Fuller, Lon L. "Positivism and Fidelity to Law: A Reply to Professor Hart." *Harvard Law Review* 71, no. 4 (February 1958): 637-672, 648. <https://doi.org/10.2307/1338226>.

<sup>2</sup> El Guabli, Brahim. *Moroccan Other Archives: History and Citizenship After State Violence*. New York: Fordham University Press, 2023.

cooperate.<sup>3</sup> I pose the following question: why did the ERC not name or punish perpetrators when international norms shifted towards individual accountability for human rights violations?<sup>4</sup>

Official records often sanitize or obscure past abuses, making personal testimonies essential for reconstructing the historical reality of The Years of Lead. Before understanding the legal processes of the ERC, we must understand the lived experiences of those victims of The Years of Lead. Rather than looking solely in official archives, I begin with mnemonic literature (أدب الذاكرة) in the spirit of Brahim El Guabli's *Moroccan Other-Archives: History and Citizenship after State Violence* (2023). Mnemonic literature refers to literary works that preserve, reconstruct, or reinterpret historical memory, particularly in contexts where official narratives have suppressed or erased past events. El Guabli argues that mnemonic literature is a useful *lieu des mémoires* which "reinvents a history that, in the context of generalized fear during the Years of Lead, was considered taboo and too dangerous to uncover."<sup>5</sup> Mnemonic literature is different from historical fiction because it "addresses loss and creates conditions for the recovery of insufficiently documented pasts," so it must not be ignored.<sup>6</sup> Three memoirs—Tahar Ben Jelloun's *This Blinding Absence of Light* (2002), Aziz Binebine's *Tazmamart: 18 Years in Morocco's Secret Prison* (2021), and Malika Oufkir's *Stolen Lives: Twenty Years in a Desert Jail* (1999)—offers firsthand testimonies that contribute to the historical record of The Years of Lead.

Three principal sources help us understand the Reconciliation commission and its varied contexts, with the first being the five volumes of the ERC's Final Report. According to H. L. A. Hart, a legal system is only legitimate because of the "secondary rules" that determine the processes of law's creation and modification. In this way, a legal system derives its legitimacy

---

<sup>3</sup> "Morocco's Truth Commission." *Human Rights Watch*, November 27, 2005. <https://www.hrw.org/report/2005/11/27/moroccos-truth-commission/honoring-past-victims-during-uncertain-present>.

<sup>4</sup> Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. 1st ed. New York: W. W. Norton & Co, 2011.

<sup>5</sup> El Guabli, *Moroccan Other Archives*, 64.

<sup>6</sup> El Guabli, *Moroccan Other Archives*, 63.

from adherence to procedural rules, rather than solely from substantive justice. I analyze how these secondary rules functioned within the ERC and contrast them with those of King Hassan II's failed Advisory Council on Human Rights/*Conseil Consultatif des Droits de l'Homme* (CCDH), which preceded the ERC but failed to achieve similar legitimacy.<sup>7</sup> To understand both the CCDH's shortcomings and the firsthand accounts of torture and forced disappearance, I turn to Susan Slyomovics' groundbreaking critique, *The Performance of Human Rights in Morocco* (2005). Finally, Kathryn Sikkink's *The Justice Cascade* (2011) situates the ERC within a broader trend of increasing international accountability for human rights violations, highlighting the contrast between Morocco's approach and emerging global norms.

Despite global norms shifting towards individual accountability for human rights violations, Morocco let its worst perpetrators get away with impunity because they sought to strengthen faith in the rule of law without jeopardizing the stability of the ruling regime. In effect, the ERC became a body focused primarily on providing reparations to victims, while denying both victims and the public a full reckoning with the causes and consequences of The Years of Lead.

### **The Years of Lead**

Perhaps the most intimate way of understanding how Moroccans remember The Years of Lead comes from reading mnemonic literature (أدب الذكرياتي). When official, brick-and-mortar archives fail to preserve these histories of loss, researchers must turn to "Other-Archives." According to historian and literary comparatist Brahim El Guabli, mnemonic literature refers to "a type of writing that draws on memory, whether experienced firsthand or inherited

---

<sup>7</sup> Susan Slyomovics, "A Truth Commission for Morocco." *Middle East Report*, no. 218 (2001): 18–21. <https://doi.org/10.2307/1559305>.

intergenerationally.”<sup>8</sup> Mnemonic literature is not historical fiction, and it must not be treated as such, for it reinvents histories that are too taboo or dangerous to uncover using traditional historical research methods.<sup>9</sup> Additionally, historians who study The Years of Lead should value mnemonic literature as legitimate historical sources because memory is an essential component of truth and reconciliation. This section prioritizes mnemonic literature to illuminate both the memories and emotions surrounding The Years of Lead, rather than simply recounting a sequence of events.

I began this essay with an excerpt from Aziz Binebine’s *Tazmamart: 18 Years in Morocco’s Secret Prison* (2021) in order to demonstrate how some survivors of state violence reacted to the reconciliation process. However, I am not the first historian to turn towards mnemonic literature for understanding this period of state-violence and the losses that came with it, nor will I be the last. After King Hassan II’s death in 1999, an explosion of mnemonic literature in Arabic, English, French, and Tamazight relating to The Years of Lead allowed Moroccans to finally address the memories and feelings that haunted their society for so long. Salah Moukhlis, a scholar of postcolonial Moroccan literature, reviewed three works of mnemonic literature in Arabic, all of which came out in the crucial years of truth and reconciliation, including Abd al-Qadir al-Shawi’s *الساحة الشرفية* (*The Square of Honor*, 1999).<sup>10</sup> Scholars of postcolonial Moroccan/Maghrebi literature often neglect texts written in Arabic and Tamazight.<sup>11</sup> By selecting three Arabic language texts that take place in a postcolonial setting (that is to say, after independence), he addresses the underexposed “flaws and problematic areas within the ex-colony itself such as neocolonial practices, localized social problems, and more

---

<sup>8</sup> El Guabli, *Moroccan Other Archives*, 63.

<sup>9</sup> El Guabli, *Moroccan Other Archives*, 64.

<sup>10</sup> Salah Moukhlis, “The Forgotten Face of Postcoloniality: Moroccan Prison Narratives, Human Rights, and the Politics of Resistance,” *Journal of Arabic Literature* 39, no. 3 (2008): 347–76.

<sup>11</sup> Moukhlis, “The Forgotten Face of Postcoloniality,” 349.

importantly political disenfranchisement and the extreme violations of human rights.”<sup>12</sup> Scholars like Salah Moukhlis have expanded anglophone access to Arabic-language mnemonic literature on The Years of Lead.

*The Square of Honor* (1999) reveals the pervasive corruption affecting both prisoners and ordinary Moroccan citizens during The Years of Lead. *The Square of Honor* is the narrative of Abd al-Qadir al-Shawi, who spent 15 years (1974 - 1989) in Kenitra Central Prison as a prisoner for participating in the Marxist-Leninist “23 March Movement.”<sup>13</sup> Al-Shawi wrote in prison, taking on much risk, but he was later awarded the Moroccan Literature Prize in 1999 for *The Square of Honor*.<sup>14</sup> Split into two parts, the novel begins with the first-person narrator returning to his remote village of Barandah after years of torture in prison. The narrator experiences a shift from seeing Barandah as a tranquil refuge to recognizing it as a reflection of the widespread corruption in Moroccan law and society. Rather than human rights violations and corruption of the state only existing in the most gross violations, they are instead the small and daily violations that largely go unnoticed. As Moukhlis notes, these injustices manifest in everyday life:

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. A victim of a traffic accident may never receive compensation because of a twisted police report in favor of the party at fault.<sup>15</sup>

These hypotheticals highlight the small-scale corruption that defined The Years of Lead for the average Moroccan civilian.

The second part of the novel recounts the narrator’s time inside the prison cells that caused the trauma from which he sought to escape. At the same time, al-Shawi underscores the

---

<sup>12</sup> Moukhlis, “The Forgotten Face of Postcoloniality,” 350.

<sup>13</sup> Moukhlis, “The Forgotten Face of Postcoloniality,” 355.

<sup>14</sup> Moukhlis, “The Forgotten Face of Postcoloniality,” 355.

<sup>15</sup> Moukhlis, “The Forgotten Face of Postcoloniality,” 357.

prisoners' humanity through their daily routines.<sup>16</sup> He also recalls participating in hunger strikes that started in 1976, emphasizing how he and fellow prisoners were sustained by “constant flights of the imagination reaching out to their past memories to counter the brutality of their present reality.”<sup>17</sup> By presenting the protagonist’s return before recounting his imprisonment, al-Shawi invites readers to reflect on their own perceptions of The Years of Lead, even if they have never personally experienced the extremes of torture. I chose to highlight this text because The Years of Lead was not simply the forced disappearance and torture of a small number of Moroccans; rather, it cultivated a general distrust in the rule of law that permeated Moroccan society.

### **Legal Legitimacy in Truth and Reconciliation**

Only after survivors shared their horrified memories of prisons like Tazmamart through their memoirs, and only after King Hassan II died in 1999 did the process of Truth and Reconciliation begin. Son of Hassan II, King Mohammed VI issued a royal decree (*dahir* number 1.04.42) on April 10, 2004 to form the Equity and Reconciliation Commission (ERC), mandated to assess, research, investigate, arbitrate and make recommendations about the gross human rights violations that occurred between 1956 and the end of 1999.”<sup>18</sup> This section looks towards the Secondary Rules of the ERC in its final report in order to see how the ERC acted as a legitimate legal system that came as a response to an illegitimate one.

The powers of the Commission were quite limited due to the legal mechanisms chosen. It was composed of one president and 16 members, one half coming from the Human Rights Advisory Council and the other from outside the organization. Its goal was “to foster

---

<sup>16</sup> Moukhlis, “The Forgotten Face of Postcoloniality,” 358.

<sup>17</sup> Moukhlis, “The Forgotten Face of Postcoloniality,” 355, 358.

<sup>18</sup> Equity and Reconciliation Commission. “Justice and Reconciliation Commission, Summary of the Final Report.” Rabat: Le Conseil Consultatif des Droits de l’Homme, 2005: 6.

development and dialogue, and to create the grounds for national reconciliation that is crucial for a democratic transition in our country towards a state of justice and law, and for advancing the values and culture of citizenship and human rights.”<sup>19</sup> They conducted investigations, collected testimonies, and examined official archives in order to “determine the nature and scale of the violations” and pay reparations to victims.<sup>20</sup>

Oral testimony proved invaluable in the ERC’s investigations, but only for understanding victims, not the perpetrators. Sometimes oral testimonies were considered too “limited and fragile,” so the ERC also compared testimonies to written sources, but the state of official archives was “deplorable” at this time.<sup>21</sup> Furthermore, “certain authorities” did not cooperate, “whereby certain officials gave incomplete answers about cases they were questioned about, while certain former, retired officials refused altogether to contribute to the efforts to reveal the truth.”<sup>22</sup> While victims were incentivised to testify in order to receive material reparation, perpetrators were allowed to refuse cooperation.

On the victims’ end, oral testimony was one of the first times that they were allowed to speak out publicly.<sup>23</sup> The Commission even held seven public hearings, but the vast majority of testimony was collected in private.<sup>24</sup> The country became more open to remembering The Years of Lead publicly, and the Commission held academic seminars on political detention, state violence, political prosecutions, and reparations.<sup>25</sup> They paid special attention to the role of women in combating gross violations of human rights as victims who formed the Movement of

---

<sup>19</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 6.

<sup>20</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 6-7.

<sup>21</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 34.

<sup>22</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 13.

<sup>23</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 32.

<sup>24</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 32, 18.

<sup>25</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 34.

Families of the Disappeared.<sup>26</sup> The ERC laid the groundwork for a more democratic Moroccan society because it amplified voice to those who were previously the most silenced.

Material reparations was the most controversial aspect of the ERC. The Commission received 16,861 files requesting for individual reparation, and they granted reparations in 49.1% of the cases (8,280 cases).<sup>27</sup> Reparations were most often given through monetary payment, but it also took other forms such as “rehabilitation, reinsertion, restoration of dignity or of confiscated rights, and recuperating whatever victims of violations lost or missed.”<sup>28</sup> The ERC considered reparations to be a key element “towards bringing the state to assume responsibility for what happened.”<sup>29</sup> The ERC also gave communal reparations to regions “in which residents felt they had been marginalized as some form of communal punishment, either because of specific past events that saw gross human rights violations, or because former secret detention centers were located there.”<sup>30</sup> The ERC did all within its legal mandate, but many thought it was not enough.

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%
<b>Total</b>	<b>9,779</b>	<b>58%</b>

<sup>26</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 51.

<sup>27</sup> Equity and Reconciliation Commission, Volume I: Truth, Equity, and Reconciliation.” Rabat: Le Conseil Consultatif des Droits de l’Homme, 2005: 92-93.

<sup>28</sup> Equity and Reconciliation Commission, Volume I,” 20.

<sup>29</sup> Equity and Reconciliation Commission, Volume I,” 20.

<sup>30</sup> Equity and Reconciliation Commission, Volume I,” 31.

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%
<b>Total</b>	<b>7,082</b>	<b>42%</b>

overall results of the commission's Work in the Field of individual reparation (92-93)

Many victims deemed these reparations as insufficient attempts at rehabilitation. In the foreword to Aziz Binebine's memoir *Tazmamart: 18 Years in Morocco's Secret Prison*, he scathingly criticized the ERC's payments that sought to bandage unhealable wounds:

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.<sup>31</sup>

Similarly, human rights activist and scholar of the Moroccan legal system Susan Slyomovics pointed out before the ERC's foundation the risk that comes with a settlement system, whereby "one side pays without acknowledging or apologizing for violating any laws and the other side, the aggrieved party, receives a cash award."<sup>32</sup> Settlement (*diyah*), according to Slyomovics, was

<sup>31</sup> Aziz Binebine, *Tazmamart: 18 Years in Morocco's Secret Prison*, trans. Lulu Norman, 1st ed (Chicago: Haus Publishing, 2021), 2.

<sup>32</sup> Susan Sylvomovics, "No Buying off the Past: Moroccan Indemnities and the Opposition." *Middle East Report*, no. 229 (2003): 34-37.

historically a peaceful way of ending disputes, but it was inappropriate to simply pay off victims of gross human rights violations.<sup>33</sup>

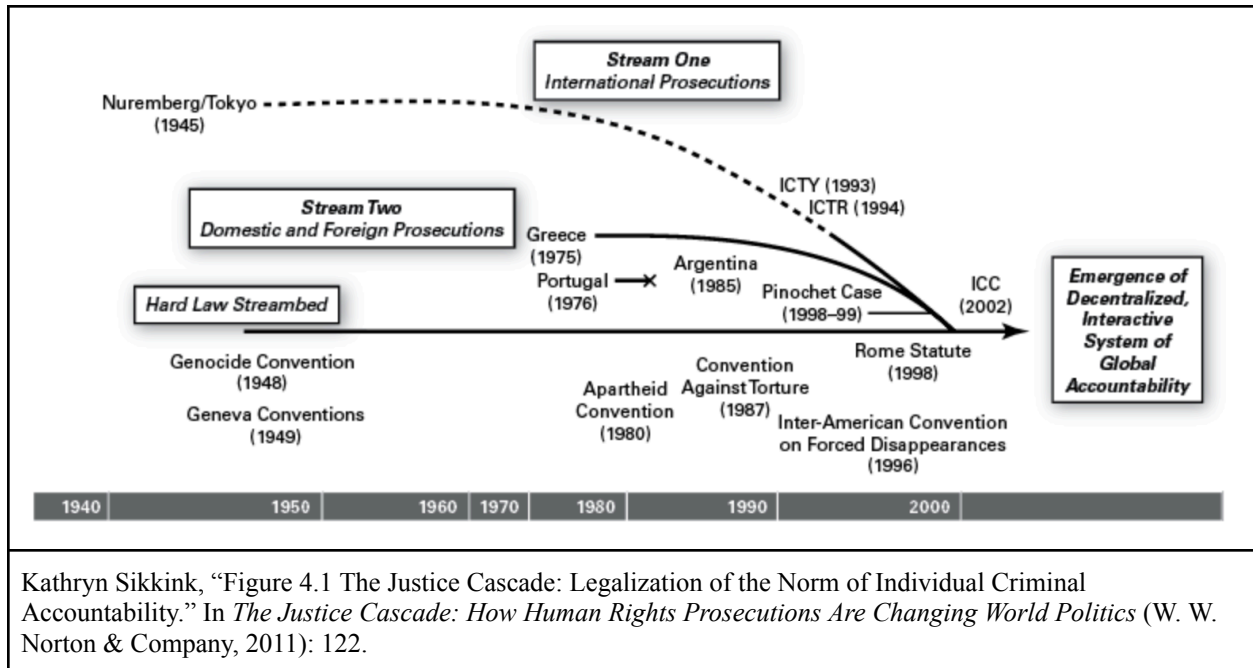
The ERC, despite its limitations and the controversial nature of reparations, marked the initial procedural step towards addressing the legacy of the Years of Lead by establishing mechanisms for truth-seeking and victim compensation. However, this approach notably diverged from a growing international emphasis on individual criminal accountability for human rights violations, a normative shift that the subsequent section will explore in greater detail, particularly in the context of Morocco's deliberate choice to forgo punitive measures.

### **Individual Accountability**

Achieving Truth and Reconciliation requires understanding both victims and perpetrators. Only then can societies determine whether these commissions should include punitive measures for individuals. As Katheryn Sikkink argues in *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*, international law underwent a normative shift toward individual accountability in the late twentieth century, culminating in the establishment of the International Criminal Court (ICC) in 1998. Before the ICC, states were the primary actors in international law, but this changed with the rise of international criminal law. That same year, the trial of former Chilean dictator Augusto Pinochet set a precedent for prosecuting individuals for gross human rights violations. Meanwhile, South Africa's Truth and Reconciliation Commission encouraged both victims and perpetrators to speak openly and document state and non-state violence. However, Morocco's Equity and Reconciliation Commission did not hold individuals accountable.

---

<sup>33</sup> Sylvomics, "No Buying off the Past."



In *The Justice Cascade*, Sikkink asks how foreign and domestic human rights prosecutions began and accelerated. Sikkink sees three streambeds that cascade into the emergence of a decentralized, interactive system of global accountability. The first stream is concerns with international prosecutions, beginning with the Nuremberg and Tokyo trials in 1945, “but it temporarily dried up or went underground for almost fifty years until states created the specific ad hoc international institutions—the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)” in the 1990s.<sup>34</sup> The second stream connects various domestic and foreign prosecutions for individual accountability, like in Greece, Portugal, and Argentina. Finally, the “Hard Law Streambed” developed, which over time inserted the individual into international law. The number of extraditions and ICC arrest warrants increased following the Rome Statute of 1998, which explicitly stated “the fact that an individual has been a head of state, or a member of government, ‘shall in no case exempt a person from criminal responsibility’ nor lead to a reduction of

<sup>34</sup> Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. 1st ed. The Norton Series in World Politics Series (W. W. Norton & Company, Incorporated, 2011).

sentence.”<sup>35</sup> with no individual accountability for human rights violations, Morocco’s case was an exception.

Still, the Equity and Reconciliation Commission conducted its work in deep connection with international law. According to the ERC’s final report, they followed various important principles and international norms in international and regional covenants related to human rights, particularly referencing “clear clauses stipulating the right of victims of gross violations to bring forth their complaints before the national competent parties. In fact, certain covenants include clear clauses stipulating the right of victims to demand compensation and reparations.”<sup>36</sup> The power to pay reparations was one of the very limited measures that the ERC was able to make. Beyond material reparations, the Commission was only able to make recommendations, making the ERC powerless in creating any form of individual accountability.

While the ERC’s recommendations became the path not taken, it is still important to understand them. The Commission recommended “reinforcing the principle of separation of powers, and prohibiting constitutionally any interference by the executive power in the functioning of the judiciary power,” but they did not stipulate why they made this recommendation.<sup>37</sup> They also recommended constitutional protections for basic freedoms and rights like the freedoms of demonstration, association, movement, and political organization.<sup>38</sup> Finally, the Commission recommended “the constitutional prohibition of forced disappearance, arbitrary detention, genocide and other crimes against humanity, torture and other forms of cruel treatment or sentence, or inhuman or degrading treatment, as well as all forms of internationally prohibited discrimination.”<sup>39</sup> Emplacing these protections in the constitution would mean that the

---

<sup>35</sup> Sikkink, *The Justice Cascade*.

<sup>36</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 20.

<sup>37</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 36.

<sup>38</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 36.

<sup>39</sup> Equity and Reconciliation Commission, “Summary of the Final Report,” 36.

state would have admitted to these crimes; therefore, these protections were not implemented.

Pierre Hazan, a senior advisor with the Centre for Humanitarian Dialogue, wrote in 2008 about how and why Morocco and King Mohammed VI decided to take a sanction-free approach towards Truth and Reconciliation. According to his website, Hazan “has advised international organizations, governments and armed groups on issues related to justice, amnesty, reparation, truth commission, forced disappearances, international humanitarian law, and human rights,” for a time working at the UN Office of the High Commissioner for Human Rights.<sup>40</sup> Pierre Hazan came to the conclusion that the ERC’s “ambiguity resided in the fact that Morocco is a constitutionally an executive monarchy” is the leading reason for the lack of punishment for perpetrators of violence.<sup>41</sup> After all, the king controls a vast amount of political and military power, he is the richest person in the country, and he maintains higher spiritual authority than any other Moroccan. If King Mohammed VI were to punish the perpetrators of violence and human rights violations during The Years of Lead, then his finger would have pointed inwards towards the *makhzen*, effectively criticizing his father, King Hassan II.<sup>42</sup> Likely with this logic in mind, King Mohammed VI took an approach towards reconciliation that included reparations rather than individual accountability for perpetrators, calling Morocco’s reconciliation “a response to the divine injunction [to] forgive with a gracious forgiveness.”<sup>43</sup> With a state approved forgiveness, no individual accountability came about.

---

<sup>40</sup> Pierre Hazan, “Biography of Pierre Hazan,” <https://pierrehazan.com/biography>.

<sup>41</sup> Pierre Hazan, “The Nature of Sanctions: The Case of Morocco’s Equity and Reconciliation Commission,” *International Review of the Red Cross* 90, no. 870 (June 2008): 399–407, 403.

<sup>42</sup> Al-Makhzen (Arabic: المَخْزَن) is a historical and political term referring to the governing structure in Morocco. It encompasses the sultan or king, along with the ruling elite, which includes administrative officials, military leaders, and loyal tribal groups. The Makhzen historically functioned as the central authority responsible for tax collection, law enforcement, and governance. In modern times, the term is sometimes used to refer to “the deep state” or the political-administrative system closely linked to the Moroccan monarchy.

<sup>43</sup> Hazan, “The Nature of Sanctions,” 406.

## Constitutionality and Risking Political Consequences

Due partially to the relative success of the ERC, the *Makhzan* was able to maneuver through the Arab Spring with one new constitution and zero deposed leaders. Popular regime change has always threatened the *makhzan* since the reign of Hassan II. This threat continued throughout the Arab Spring and the February 20th movement, but the ERC laid some groundwork for the government to perform democracy by passing a new constitution. The 2011 Constitution marked a continuity from ERC's final report and recommendations, so it was able to fundamentally restore respect for the rule of law. The monarchy weathered the storm, especially since the ERC did not place blame on the *makhzan*. 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.

King Hassan II is also known as "The Great Survivor."<sup>44</sup> He lived in constant fear for his life, and two unsuccessful attempts by top ranking generals to perform a *coup d'etat* in 1970 and 1971 exacerbated his fears. However, repression of Hassan II's political adversaries preceded and predated the two failed coups. For instance, in August 1963, 31 left wing activists were charged with plotting against the state, and five were put to death, six were jailed for life, and the remainder were locked behind bars for 15 to 25 years.<sup>45</sup> In 1964, 18 men who smuggled arms in from Algeria were sentenced to death and executed in military tribunals.<sup>46</sup> 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.<sup>47</sup> Students who participated during long strikes

---

<sup>44</sup> Stephen O. Hughes, *Morocco Under King Hassan* (Ithaca Press, Reading: UK, 2001): 1.

<sup>45</sup> Hughes, *Morocco Under King Hassan*, 123.

<sup>46</sup> Hughes, *Morocco Under King Hassan*, 130.

<sup>47</sup> Hughes, *Morocco Under King Hassan*, 130.

between 1970 and 1971 were placed under mass arrest and mass expulsion.<sup>48</sup> All of this is to say that political repression during the early Years of Lead was concerned with both conspiracies to depose the king and general popular movements.

In 1971 and 1972, this story intensified. On July 10, 1971 in Skhirat (located between Rabat and Casablanca), King Hassan II was hosting over 800 guests for his 42nd birthday party. As 1,400 young soldiers entered the Skhirat palace, the thwacking sound of golf-balls were replaced by the thundering of bullets. Conversations over lobster, smoked salmon, caviar, and Dom Parignon were drowned out by screams. The soldiers killed 98 guests, wounding 130 others, and 300-350 cadets were killed. General Mohamed Medbouh, who led the attack, was also killed, alongside much of the army leadership.<sup>49</sup> Upon finding the king hiding in a bathroom, the young soldiers who held him at gunpoint immediately kissed him on his handstand feet, “chanting the words *Yahia al-malik!* (long live the king).”<sup>50</sup> Merely 13 months later, King Hassan II was faced with another coup attempt as rebel Air Force officers tried to shoot down his plane that was returning from France.<sup>51</sup> These two coup attempts certainly intensified state repression.

Both high-conspiratorial and popular resistance movements placed the constitution at the center of the controversy, but for different reasons. For the nationalists, Article 35 of the Constitution raised eyebrows, for it emboldened the king to override the entire political system:

When the nation’s territorial integrity is threatened, or when events occur that are liable to jeopardise the functioning of constitutional institutions, the king can ... declare a state of exception by royal decree. Thus, despite any dispositions to the contrary, he is empowered to take the measures required to defend territorial integrity and to return to the normal functioning of constitutional institutions.<sup>52</sup>

---

<sup>48</sup> Hughes, *Morocco Under King Hassan*, 157.

<sup>49</sup> Hughes, *Morocco Under King Hassan*, 159-165.

<sup>50</sup> Hughes, *Morocco Under King Hassan*, 163.

<sup>51</sup> Hughes, *Morocco Under King Hassan*, 167.

<sup>52</sup> Hughes, *Morocco Under King Hassan*, 125.

The king's power to declare a state of emergency allowed him to call for constitutional reforms and consolidate power. For instance, despite significant opposition from leftist political parties and demonstrable threats from the military in 1972, King Hassan II's new constitution passed by an overwhelming vote for yes.<sup>53</sup> In the words of historian Driss Maghraoui, "constitutional reforms become paradoxical when authoritarian structures of rule establish the very conditions for reforms."<sup>54</sup> Undemocratic features of the Moroccan political system historically and continue to undermine the constitutional reforms that claim to move towards a greater degree of democracy.

Some observers are calling this Moroccan paradox "the permanent democratic transition," where the monarchy claims itself to be the only organization to facilitate a transition to democracy, despite the fact that a democratic project would make the monarchy obsolete.<sup>55</sup> Moreover, Parliament's consensus between 35 political parties means that substantial governmental change is unlikely. The product of this consensus became the February 20th Movement in 2011, which was launched on facebook alongside the massive protests that followed, just six days after Tunisians completed the overthrow of their government. According to French reports, the protesters in Morocco were hostile to neither the king nor the monarchy, but they clearly called upon limiting the powers of Mohammed VI.<sup>56</sup> Estimates of protesters numbered between 3,000 to 4,000 in the capital city of Rabat, chanting that the king must reign,

---

<sup>53</sup> Driss Maghraoui, "Constitutional Reforms in Morocco: Between Consensus and Subaltern Politics," *The Journal of North African Studies* 16, no. 4 (December 2011): 679–99: 684.

<sup>54</sup> Maghraoui, "Constitutional Reforms in Morocco," 680.

<sup>55</sup> Maghraoui, "Constitutional Reforms in Morocco," 680.

<sup>56</sup> Pierre-François Naudé. "Premières manifestations réussies pour plus de démocratie au Maroc." JeuneAfrique.com, February 21, 2011. <https://www.jeuneafrique.com/182311/politique/premi-res-manifestations-r-ussies-pour-plus-de-d-mocratie-au-maroc/>.

not govern. The February 20th protests were widespread (150,000 - 200,000 participants), and they were often peaceful.<sup>57</sup>

When they were not, the state shut them down, hard. In Al-Hoceima, north towards the Mediterranean coast, around 37,000 protesters struggled with the authorities as tear gas spewed. Five protesters were left dead and 128 were left injured.<sup>58</sup> By the time the gas cleared, fire and intense damage left scars on 33 public buildings, 24 banks, 50 shops and private business, and 66 vehicles.<sup>59</sup> The state's reaction to protests was expected by protestors who called for "the release of political prisoners and the trial of all those responsible for arbitrary arrests and torture."<sup>60</sup> Human rights was on the February 20th Movement's agenda, and state violence loomed as a consistent threat to protestors.

The monarchy quickly reacted and drafted a plan, agenda, and rules with the *Commission Consultative pour la Revision Constitutionnelle* (CRCC). Their turnaround was just under four months, and they proposed the constitutional reforms by July 1, 2011. North Africanist scholar George Joffé argued that the monarchy did not meet protestors' demands, but they gave nominal increases to the basic national minimum wage and in public service salaries.<sup>61</sup> Morocco's 2011 Constitution heeded the ERC's recommendations when it came to cultural affairs. It addressed the concerns of those minorities oppressed during The Years of Lead. In some ways Morocco continued its Truth and Reconciliation process by finding Unity in Diversity (الوحدة في التنوع).<sup>62</sup>

---

<sup>57</sup> Maghraoui, "Constitutional Reforms in Morocco," 687.

<sup>58</sup> Pierre-François Naudé, "Le bilan des manifestations au Maroc s'élève à cinq morts et 128 blessés." *Jeune Afrique.com*. February 21, 2011. <https://www.jeuneafrique.com/182305/politique/le-bilan-des-manifestations-au-maroc-s-l-ve-cinq-morts-et-128-blesses-s/>.

<sup>59</sup> Naudé, "Le bilan des manifestations au Maroc."

<sup>60</sup> Maghraoui, "Constitutional Reforms in Morocco," 688.

<sup>61</sup> George Joffé, "The Arab Spring in North Africa: Origins and Prospects." *The Journal of North African Studies* 16, no. 4 (December 2011): 507–32, 510.

<sup>62</sup> "Morocco 2011 Constitution." *Constitute*. Accessed March 2, 2025. [https://www.constituteproject.org/constitution/Morocco\\_2011](https://www.constituteproject.org/constitution/Morocco_2011).

The Makhzan navigated the Arab Spring through constitutional reform, which was significantly enabled by the Equity and Reconciliation Commission's (ERC) and its focus on victim compensation over perpetrator accountability. By avoiding the politically destabilizing act of naming or punishing those responsible for the Years of Lead abuses, the ERC mitigated threats to the monarchy during a period of regional upheaval. This strategic prioritization of regime continuity over comprehensive justice, coupled with the monarchy's historical reliance on constitutional mechanisms to consolidate power and suppress dissent, allowed Morocco to weather the Arab Spring with a reformed constitution and without fundamental challenges to its ruling structure.

### **Conclusion**

Ultimately, Morocco's ERC prioritized regime stability over individual accountability for the Years of Lead. While offering victim reparations and contributing to constitutional reforms during the Arab Spring, its deliberate avoidance of naming or punishing perpetrators reveals the enduring power of the *makhzen* and its historical aversion to threats. The ERC served as a state-managed reconciliation, prioritizing the preservation of the existing order over a potentially destabilizing pursuit of justice for past abuses.

### Works Consulted

- Ben Jelloun, Tahar. *This Blinding Absence of Light*. Translated by Linda Coverdale, 2002.
- Binebine, Aziz. *Tazmamart: 18 Years in Morocco's Secret Prison*. 1st ed. Chicago: Haus Publishing, 2021.
- “Chapter 4: “Making Tazmamart a Transnational Other-Archive.” In *Moroccan Other Archives: History and Citizenship After State Violence*, First edition. New York: Fordham University Press, 2023.
- El Guabli, Brahim. *Moroccan Other Archives: History and Citizenship After State Violence*. First edition. New York: Fordham University Press, 2023.
- . “THE ‘HIDDEN TRANSCRIPT’ OF RESISTANCE IN MOROCCAN TAZMAMART PRISON WRITINGS.” *The Arab Studies Journal* 22, no. 1 (2014): 170–207.
- Equity and Reconciliation Commission. “Justice and Reconciliation Commission, Summary of the Final Report.” Rabat: Le Conseil Consultatif des Droits de l’Homme, 2005.  
<https://archive.cndh.ma/an/report-equity-and-reconciliation-commission-ier/summary-final-report-equity-and-reconciliation>.
- . “Volume I: Truth, Equity, and Reconciliation.” Rabat: Le Conseil Consultatif des Droits de l’Homme, 2005.  
<https://archive.cndh.ma/an/report-equity-and-reconciliation-commission-ier/summary-final-report-equity-and-reconciliation>.
- . “Volume II: Establishing Truth and Responsibility Regarding Human Right Violations.” Rabat: Le Conseil Consultatif des Droits de l’Homme, 2005.  
<https://archive.cndh.ma/an/report-equity-and-reconciliation-commission-ier/summary-final-report-equity-and-reconciliation>.
- . “Volume III: Justice and Reparation for the Victims.” Rabat: Le Conseil Consultatif des Droits de l’Homme, 2005.  
<https://archive.cndh.ma/an/report-equity-and-reconciliation-commission-ier/summary-final-report-equity-and-reconciliation>.
- . “Volume IV: The Components of Reform and Reconciliation.” Rabat: Le Conseil Consultatif des Droits de l’Homme, 2005.

<https://archive.cndh.ma/an/report-equity-and-reconciliation-commission-ier/summary-final-report-equity-and-reconciliation>.

———. “Volume V: The Organization of the Work and Activities of the Commission.” Rabat: Le Conseil Consultatif des Droits de l’Homme, 2005.

<https://archive.cndh.ma/an/report-equity-and-reconciliation-commission-ier/summary-final-report-equity-and-reconciliation>.

“Morocco’s Truth Commission.” *Human Rights Watch*, November 27, 2005.

<https://www.hrw.org/report/2005/11/27/moroccos-truth-commission/honoring-past-victims-during-uncertain-present>.

European Parliament. “Conseil Consultatif Des Droits de l’Homme (CCDH),” n.d.

Hazan, Pierre. “Biography of Pierre Hazan.” Accessed February 25, 2025.

<https://pierrehazan.com/biography>.

———. “The Nature of Sanctions: The Case of Morocco’s Equity and Reconciliation Commission.” *International Review of the Red Cross* 90, no. 870 (June 2008): 399–407.

<https://doi.org/10.1017/S1816383108000313>.

Joffé, George. “The Arab Spring in North Africa: Origins and Prospects.” *The Journal of North African Studies* 16, no. 4 (December 2011): 507–32.

<https://doi.org/10.1080/13629387.2011.630881>.

Kenny, Paul D. “The Meaning of Torture.” *Polity* 42, no. 2 (2010): 131–55.

Maddy-Weitzman, Bruce. *Amazigh Politics in the Wake of the Arab Spring*. University of Texas Press, 2022. <https://doi.org/10.7560/324820>.

Maghraoui, Driss. “Constitutional Reforms in Morocco: Between Consensus and Subaltern Politics.” *The Journal of North African Studies* 16, no. 4 (December 2011): 679–99.

<https://doi.org/10.1080/13629387.2011.630879>.

Marzouki, Ahmed. *Tazmamart: Cellule 10*. Cork: Primento Digital Publishing, 2016.

Menin, Laura. “‘Descending into Hell’: Tazmamart, Civic Activism and the Politics of Memory in Contemporary Morocco.” *Memory Studies* 12, no. 3 (June 2019): 307–21.

<https://doi.org/10.1177/1750698019836191>.

“Morocco 2011 Constitution - Constitute.” Accessed March 2, 2025.

[https://www.constituteproject.org/constitution/Morocco\\_2011](https://www.constituteproject.org/constitution/Morocco_2011).

“Morocco-2011 Constitution -EN,” n.d.

“Morocco’s Truth Commission.” *Human Rights Watch*, November 27, 2005.

<https://www.hrw.org/report/2005/11/27/moroccos-truth-commission/honoring-past-victims-during-uncertain-present>.

Moukhlis, Salah. “The Forgotten Face of Postcoloniality: Moroccan Prison Narratives, Human Rights, and the Politics of Resistance.” *Journal of Arabic Literature* 39, no. 3 (2008): 347–76.

Oufkir, Malika, and Michèle Fitoussi. *Stolen Lives: Twenty Years in a Desert Jail*. Hyperion, 1999. *Vii*+293 Pp. Hyperion, 1999.

<https://proxying.lib.ncsu.edu/index.php?url=https://www.proquest.com/books/stolen-lives-twenty-years-desert-jail/docview/59864088/se-2?accountid=12725>.

Pierre-François Naudé. “Le bilan des manifestations au Maroc s’élève à cinq morts et 128 blessés.”

<https://www.jeuneafrique.com/182305/politique/le-bilan-des-manifestations-au-maroc-s-l-ve-cinq-morts-et-128-bless-s/>.

Pierre-François Naudé. “Premières manifestations réussies pour plus de démocratie au Maroc.” *JeuneAfrique.com*, February 21, 2011.

<https://www.jeuneafrique.com/182311/politique/premi-res-manifestations-r-ussies-pour-plus-de-d-mocratie-au-maroc/>.

Rogozen-Soltar, Mikaela. Review of *Review of The Performance of Human Rights in Morocco*, by Susan Slyomovics. *The Arab Studies Journal* 13/14, no. 2/1 (2005): 203–6.

Serfaty, Abraham. *For Another Kind of Morocco: An Interview with Abraham Serfaty*. Interview by Christine Daure-Serfaty, November 1992.

<https://www.jstor.org/stable/3013211?origin=crossref>.

Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. 1st ed. W. W. Norton & Company, 2011.

Silverstein, Paul. "Bruce Maddy-Weitzman, Amazigh Politics in the Wake of the Arab Spring." *Journal of Amazigh Studies* 1, no. 1 (2023): 1–2. <https://doi.org/10.5642/jas.USKR4341>.

Slyomovics, Susan. "A Truth Commission for Morocco." *Middle East Report*, no. 218 (2001): 18–21. <https://doi.org/10.2307/1559305>.

———. "No Buying off the Past: Moroccan Indemnities and the Opposition." *Middle East Report*, no. 229 (2003): 34–37. <https://doi.org/10.2307/1559392>.

———. "THE MOROCCAN EQUITY AND RECONCILIATION COMMISSION: THE PROMISES OF A HUMAN RIGHTS ARCHIVE." *The Arab Studies Journal* 24, no. 1 (2016): 10–41.

———. "The Moroccan Prison in Literature and Architecture." *Middle East Report*, no. 275 (2015): 26–31.

———. *The Performance of Human Rights in Morocco*. 1. print. Pennsylvania Studies in Human Rights. Philadelphia, Pa: University of Pennsylvania Press, 2005.

Tate, Katharine E. "TORTURE." *Willamette Journal of International Law and Dispute Resolution* 21, no. 2 (2013): 194–221.

Wallace, Geoffrey P.R. "Martial Law? Military Experience, International Law, and Support for Torture." *International Studies Quarterly* 58, no. 3 (September 2014): 501–14. <https://doi.org/10.1111/isqu.12092>.

بنين, عزيز. تزاموت. Translated by عبد الرحيم حزل. الرباط المغرب: منشورات دار اللأمان, n.d.

محمد شكري (Mohamed Choukri). "أذيال الكلاب الصغيرة (Little Dog Tails) من أجل الخبز وحده الأعمال الكاملة: الخيمة - مجنون الورد - غواية الشحور الأبيض (The For Bread Alone Complete Works: The) ٢٥٠-٢٤٧, (Tent - The Madman of the Rose - The Seduction of the White Blackbird (247-251). الدار البيضاء: المغرب (Casablanca: Morocco), 2009).