

*Parallel Report*

*To the initial report of Morocco  
Implementation of the International Convention for the Protection of All Persons  
Against enforced disappearances*

***Committee on Enforced Disappearances (CEC)***

*27th session from 23 September to 04 October 2024*

*Contribution*

**Geneva, 20 August 2024**

## **Introduction**

The Geneva International Observatory for Peace, Democracy and Human Rights (IOPDHR-GENEVA-NGO) has submitted this parallel report as part of civil society's contribution to the review of States Parties' reports considered at the 27th session, in response to the observations and recommendations of the Committee on Enforced Disappearances on the situation of enforced disappearances in Morocco. The aim is to present an independent assessment of Morocco's initiatives to address this problem, identify persistent shortcomings, and suggest measures for continuous improvement.

### **I. Background:**

#### **o *Current status of enforced disappearances in Morocco:***

Morocco went through periods of intense political repression, particularly between 1956 and 1990, known as the 'Years of Lead'. During this period, many people were exterminated, arbitrarily arrested, and tortured. The violations were officially recognized by the creation of the Equity and Reconciliation Commission (IER) in 2004, which worked to shed light on the enforced disappearances and to compensate the victims.

To break with these violations, Morocco created the Equity and Reconciliation Commission (IER) in January 2004, which ended on 30 November 2005 with the publication of a final report<sup>1</sup>. The IER looked into the serious human rights violations committed in the past between 1956 and 1999, including enforced or involuntary disappearances. In 2006, the IER's recommendations were implemented and entrusted to the Advisory Council on Human Rights, which set up a follow-up committee.<sup>2</sup>

Although seventeen years have passed since the Equity and Reconciliation Commission completed its work and presented its final report in January 2006, the file on enforced disappearances, one of its most important elements, is still open and the fate of some abducted persons individuals has not been revealed, in particular, the files concerning the disclosure of pending cases for which the IER has continued to conduct research.

In February 2007, the same year it was adopted, the Kingdom of Morocco ratified the International Convention for the Protection of All Persons from Enforced Disappearances and completed the ratification procedure on 14 May 2013. For three decades, no case of enforced disappearance within the meaning of the Convention has been recorded at the national level.

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<sup>1</sup> *Rapport final de l'Instance équité et réconciliation, disponible à l'adresse suivante :*

<https://www.cndh.ma/ar/rubriques/ltwthyq/lrdrt/tqyr-hyy-lnsf-wlmslh>

<sup>2</sup> *Voir le discours royal de 2006, à la suite de la fin du mandat de l'IER.*

Following Article 29 (par. 1) of the International Convention for the Protection of All Persons from Enforced Disappearance, Morocco submitted its preliminary report in September 2021<sup>3</sup>, whereas it was due in 2015. IOPDHR-GENEVA-NGO therefore regrets the delay in submitting the report.

It is important to emphasize that Morocco's first report was drawn up following a participatory approach and a consultative process with stakeholders from government sectors, national institutions, civil society, and both Houses of Parliament.

Le tissu social marocain a également été fortement affecté par les disparitions forcées, engendrant un climat de peur, de méfiance et de répression<sup>4</sup>. Les disparitions n'ayant pas été officiellement reconnues par l'État ont entretenu un sentiment d'impunité et de frustration parmi les communautés touchées.

### ○ *Impact of enforced disappearances:*

The direct victims of the period mentioned above and their families have suffered deep and lasting repercussions as a result of the enforced disappearances. Physical and psychological torture has been inflicted on the disappeared, in inhuman conditions of detention. Families suffer great emotional pain when they are not informed of the fate of their loved ones, compounded by the impossibility of mourning or seeking justice<sup>5</sup>.

The social fabric of Morocco has also been strongly affected by enforced disappearances, creating a climate of fear, mistrust, and repression<sup>6</sup>. The fact that the State has not officially recognized the disappearances has fostered a feeling of impunity and frustration among the communities affected.

## II. *Efforts to recognize and deal with enforced disappearances:*

Morocco has introduced measures to recognize the human rights violations committed during the “dark years”.

Firstly, in the context of political reforms and reconciliation efforts after the ‘years of lead’, the legal framework for enforced disappearances in Morocco has evolved over the years, particularly since 2000. This framework is based on various national and international legal instruments, as well as on institutions created to guarantee the protection of human rights and to study past violations.

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<sup>3</sup>Le comité des disparitions forcées a réceptionné le rapport initial du Maroc le 10 septembre 2021, voir le lien suivant :

<file:///Users/aichaduihi/Downloads/G2132389.pdf>

<sup>4</sup> [Nationalisme Et Littérature Nationalisme Et Littérature Francophone Au Maroc: Genèse D'Une oc: Genèse D'Une Littérature Indépendante](#)

<sup>5</sup> [Disparitions forcées ou involontaires](#)

<sup>6</sup> [Nationalisme Et Littérature Nationalisme Et Littérature Francophone Au Maroc: Genèse D'Une oc: Genèse D'Une Littérature Indépendante](#)

## ○ *Constitution of 2011:*

Human rights have been strengthened by the new constitution, which includes measures to prevent enforced disappearances and other serious human rights violations. It also affirms the sovereignty of the judiciary and establishes the National Council for Human Rights (CNDH).

Morocco's legal framework for human rights is based primarily on the 2011 Moroccan Constitution, which includes the fight against enforced disappearances. It emphasizes several fundamental principles:

- Preservation of human rights: The fundamental rights of citizens are protected by the Constitution, such as the right to life, security, and dignity;
- Prohibition of enforced disappearance: Although there is no explicit mention of enforced disappearance in the Constitution, it does set out explicit obligations for the State to provide protection.

## ○ *Penal Code:*

Morocco has amended its Penal Code to include specific penalties for enforced disappearances and other crimes against humanity, bringing its legislation into line with international standards<sup>7</sup>. The Moroccan Penal Code has been revised to include specific measures to prevent enforced disappearances:

- The amendments to the Penal Code establish and condemn enforced disappearance as a serious crime. Severe penalties are provided for those who commit such offenses.
- The crimes of enforced disappearance, considered to be crimes against humanity, are not subject to a statute of limitations, which gives victims or their families the possibility of prosecuting the perpetrators, regardless of the date of the events<sup>8</sup>.

## ○ *Strengthening the judicial system:*

The independence and efficiency of the judicial system have been improved through reforms such as the training of judges in human rights and the creation of specialized courts<sup>9</sup>.

## ○ *Adherence to international conventions:*

Morocco has ratified various international agreements concerning human rights, which has strengthened its national legal framework:

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<sup>7</sup>

[https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/120\\_Morocco.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/120_Morocco.pdf)

<sup>8</sup> *Ibid*

<sup>9</sup> [Commentaires et observations sur le texte du projet d'articles sur la prévention et la répression des crimes contre l'humanité](#)

- In 2013, Morocco signed the International Convention for the Protection of All Persons from Enforced Disappearance, thereby committing to prevent, investigate, and punish enforced disappearances. This ratification also obliges Morocco to submit regular reports to the United Nations Committee against Enforced Disappearances<sup>10</sup>.
- The Kingdom has also ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
  - ***Equity and Reconciliation Commission (IER):***

The creation of the IER in 2004 is one of the most significant reforms, as an essential element in the recognition of enforced disappearances and the search for the truth:

- The IER carried out investigations and reparations on enforced disappearances that occurred between 1956 and 1999, identified those responsible, and suggested reparation measures for the victims and their families.
- The IER's recommendations concerning the reform of the national legal framework have also been formulated to prevent the recurrence of such crimes<sup>11</sup>.
  - ***National Human Rights Council (CNDH):***

Created in 2011, the CNDH, an independent national institution, plays a key role in monitoring and safeguarding human rights, in particular by combating enforced disappearances<sup>12</sup>:

- The CNDH is responsible for monitoring the implementation of the IER's recommendations, particularly those concerning reconciliation, justice, and the prevention of clandestine disappearances.
- The CNDH carries out awareness-raising and advocacy initiatives to promote human rights and strengthen the existing legal framework.

### III. ***Ongoing challenges:***

However, although the IER has made progress, criticism persists regarding the lack of judicial proceedings against those responsible for disappearances and the limited transparency of offenses. Families are still waiting for answers about the fate of their disappeared relatives, and the issue of enforced disappearances remains a subject of tension in Morocco.

Some victims believe that those responsible for enforced disappearances have not been sufficiently prosecuted or convicted.

- ***Developments and impacts:***

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<sup>10</sup> *Ibid*

<sup>11</sup> [Le Maroc des années de plomb : équité et réconciliation ?](#)

<sup>12</sup> <https://youtu.be/7fY6cLzjGUs>

Morocco has made significant progress thanks to institutional, legal, and constitutional reforms that have promoted the recognition of human rights and the prevention of enforced disappearances. However, to ensure the effective implementation of these reforms, constant vigilance on the part of civil society, national institutions, and the international community<sup>13</sup>. is essential. Morocco is frequently mentioned as a model in the Arab world for the process of reconciliation and transitional justice, even if there is still progress to be made to achieve complete and lasting justice<sup>14</sup>.

Enforced disappearances have had serious repercussions for those affected and their families. Victims were often subjected to harsh conditions of detention, torture, and inhuman treatment. The families have experienced immense pain due to the uncertainty about the fate of their loved ones, exacerbated by the absence of official recognition or justice<sup>15</sup>.

The families of the disappeared are deeply affected psychologically, experiencing emotions of loss, anger, and powerlessness. In addition, the lack of official evidence and the obstacles to recourse to justice have created an environment of fear and mistrust within Moroccan society<sup>16</sup>.

### ○ *Persistent obstacles:*

Despite the ongoing reforms, certain objections sometimes surface. These victims and their families feel that justice has not been fully served, particularly concerning official recognition of wrongdoing and full compensation for the damage suffered. In addition, it is essential to strengthen the safeguards to prevent further violations and continue following up on the IER's recommendations.

Several cases of enforced disappearance remain unresolved. Many families continue to demand information about the fate of their loved ones. Obstacles to resolving these cases include :

#### - *Limited access to archives :*

National archives are essential for understanding enforced disappearances, but access to them remains restricted for families and independent researchers<sup>17</sup>. However, it should be noted that Morocco has taken steps to improve archive management. The Archives Act regulates access to and preservation of these valuable documents adopted in 2010. Despite the obstacles that remain, this law marks a step towards greater transparency and improved archive management<sup>18</sup>.

#### - *Political will:*

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<sup>13</sup> [https://neighbourhood-enlargement.ec.europa.eu/system/files/2017-04/c20128739\\_spring\\_maroc\\_2012\\_ad\\_1\\_024433.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2017-04/c20128739_spring_maroc_2012_ad_1_024433.pdf)

<sup>14</sup> [Les droits de l'homme dans la constitution marocaine de 2011: débats autour de certains droits et libertés](#)

<sup>15</sup> *Ibid*

<sup>16</sup> *Ibid*

<sup>17</sup> [https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/120\\_Morocco.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/120_Morocco.pdf)

<sup>18</sup> [Les archives au Maroc : Quelles perspectives ?](#)

The lack of prosecutions and the reluctance to fully open archives are often seen as evidence of a lack of political will to confront the past transparently<sup>19</sup>. However, Morocco has signed the International Convention for the Protection of All Persons from Enforced Disappearance, demonstrating an official commitment to combating these human rights abuses. The fact that Morocco has ratified this Convention demonstrates its willingness to comply with international human rights standards.

- *Pressure and intimidation* :

There are reports of pressure or intimidation<sup>20</sup> being exerted on families and activists trying to make progress on cases of enforced disappearance. However, Morocco has gone through periods of political reform which have opened the way to dissent. Despite the obstacles encountered by these reforms, they have played a role in strengthening Morocco's reputation as a relatively stable country committed to respecting human rights.

#### IV. Assessment of measures taken by the Moroccan government

o *Equity and Reconciliation Commission (IER):*

With the creation of the IER, a proactive process has led to a resolution of the serious human rights violations committed in the past. The process is mainly the result of discussions between various actors in Morocco, such as civil society, victims of violations, and their families<sup>21</sup>.

The IER has taken over from the Instance “d'Arbitrage Indépendante” (Independent Arbitration Body), which was set up in 1999 and was responsible for compensating victims and their beneficiaries. The objective of this new body has been much more ambitious, including the investigation of abusive practices, such as arbitrary detention, torture, and enforced disappearance, to which State agents and bodies often resorted to repress political opposition during the ‘years of lead’. The IER's mandate included investigating, repairing, and proposing ways to establish the truth, render justice to the victims, and, above all, turn the page on human rights violations while ensuring that they are not repeated, to prevent their recurrence<sup>22</sup>.

Between 2004 and 2006, thousands of testimonies were collected by the IER and reparations were offered to the victims. Nevertheless, IOPDHR-GENEVA-NGO notes certain weaknesses in the IER's work:

- *Transparency:*

Despite the IER's revelations on past violations, many reports remain confidential and victims' families have not received exhaustive information.

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<sup>19</sup> [https://www.obchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/120\\_Morocco.pdf](https://www.obchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/120_Morocco.pdf)

<sup>20</sup> [La répression cachée au Maroc](#)

<sup>21</sup> [Les disparitions forcées au Maroc : répondre aux exigences de vérité et de justice](#)

<sup>22</sup> *Ibid*

However, the IER has set up a unique database on acts of violence committed before 1999, which represents progress towards transparency and recognition of the suffering experienced<sup>23</sup>.

In addition, the IER has set up a public space dedicated to the dissemination of testimonies, encouraging a retrospective review of Morocco's history and contributing to a better understanding of human rights violations<sup>24</sup>.

- *Justice:*

Those responsible for enforced disappearances have not been brought to justice, which maintains a sense of impunity.

However, Morocco has pioneered transitional justice measures in the MENA region, providing a model that has prompted other countries to consider similar approaches to dealing with crimes committed by fallen regimes and ensuring justice for victims<sup>25</sup>. As a result of this initiative, a national dialogue on human rights and the need for judicial reform has been established, laying the foundations for national reconciliation<sup>26</sup>.

- *Reparations:*

Some victims have been left in a precarious situation as a result of reparation measures that have not always been adequate or appropriate. However, Morocco has introduced community reparation initiatives, particularly in regions that were heavily repressed, such as the provinces of Ouarzazate and Tinghir<sup>27</sup>.

Even though they were limited, these programs helped to fund local projects and to recognize collective suffering, which contributed to social reconstruction in terms of transitional justice.

o *Institutional reforms*

Several decades of struggle for justice, truth, and reconciliation have led Morocco to carry out institutional, legal, and constitutional reforms, particularly concerning enforced disappearances. These reforms are part of a democratic transition that began in the late 1990s and early 2000s.

The security forces have been reformed to modernize their operation and improve respect for human rights. However, the following points should be noted:

- *Oversight mechanisms:*

Despite the inadequacy of oversight mechanisms for the security forces in Morocco and their lack of autonomy, significant efforts have been made to improve transparency and accountability<sup>28</sup>.

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<sup>23</sup> [Rapport de Human right Watch](#)

<sup>24</sup> [Témoignages, écrits et silences : l'Instance Équité et Réconciliation \(IER\) marocaine et la réparation](#)

<sup>25</sup> [L'Instance Équité et Réconciliation Une justice transitionnelle sans transition ?](#)

<sup>26</sup> [Forum Marocain pour la Vérité et la Justice](#)

<sup>27</sup> [Prescriptions internationales et inégalités durables. La réparation communautaire dans le Sud marocain](#)

<sup>28</sup> [L'expérience de l'instance équité et réconciliation au Maroc](#)

For example, the Equity and Reconciliation Commission was set up to investigate past incidents of human rights violations and to put forward suggestions for reforming the security sector<sup>29</sup>. Thanks to this initiative, more transparent and fair internal control mechanisms have been put in place to prevent future abuses<sup>30</sup>.

- *Training:*

Regarding the training of law enforcement officials, Morocco has made progress in integrating human rights training programs.

The European Human Rights Training Programme (HELP) was set up to improve the understanding of international standards among legal professionals in Morocco<sup>31</sup>. This program uses high-quality training tools to build the capacity of judges, lawyers, and other professionals, which is a positive step toward improving practices on the ground.

Concerning police training, Morocco has made progress by including training programs on human rights.

o *International commitments:*

Since the 1990s, Morocco has undertaken institutional reforms that have gradually improved the human rights situation in the country.

Morocco ratified the International Convention for the Protection of All Persons from Enforced Disappearance in 2013, which is an important human rights commitment. However, the full integration of the provisions of this Convention into the country's domestic legal framework remains incomplete, and effective mechanisms to ensure their application have not yet been put in place<sup>32</sup>.

Despite these challenges, there are several positive aspects to Morocco's efforts in this area. The ratification of the Convention in 2013 demonstrates Morocco's willingness to align itself with international human rights standards. This represents a significant step towards recognizing and combating enforced disappearances.

Morocco has shown a certain openness to cooperation with international bodies, such as the United Nations Working Group on Enforced or Involuntary Disappearances, which visited Morocco to assess the situation<sup>33</sup>. This cooperation is crucial to improving transparency and accountability.

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<sup>29</sup> [L'Instance Équité et Réconciliation du Maroc: Un point de départ pour la réforme du secteur de la sécurité](#)

<sup>30</sup> *Ibid*

<sup>31</sup> [Le programme européen de formation aux droits de l'homme pour les professionnels du droit \(HELP\)](#)

<sup>32</sup> [https://www.obchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/120\\_Morocco.pdf](https://www.obchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/120_Morocco.pdf)

<sup>33</sup> [LE GROUPE DE TRAVAIL SUR LES DISPARITIONS FORCÉES OU INVOLONTAIRES CONCLUT SA VISITE AU MAROC](#)

In 2024, Morocco was elected to the presidency of the UN Human Rights Council, underlining its commitment to the promotion and protection of human rights at the international level<sup>34</sup>. This position enables Morocco to play a leading role in the global dialogue on human rights. The country has demonstrated its commitment to human rights by accepting several recommendations during the UN Universal Periodic Review, including those aimed at strengthening the protection of migrants' rights<sup>35</sup>.

## V. NGO recommendations

As part of our monitoring of enforced disappearances, we make the following recommendations:

### ***Legal and Institutional Recommendations***

#### *Ratification and Legislative Alignment*

- *To bring national criminal legislation into line with international mechanisms concerning enforced disappearances, incorporating their definitions, elements of responsibility, and specific sanctions;*
- *Ratify the Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, as well as the Rome Convention of the International Criminal Court.*

#### *Prosecution and reform*

- *Prosecute those responsible for enforced disappearances, regardless of their seniority or current position;*
- *Implement institutional reforms to ensure that the security forces and other state institutions respect human rights, in particular through appropriate training and independent monitoring mechanisms.*

### ***Reparations and Victim Support***

#### *Reparations and Support*

- *Ensure real reparations for the individual and collective damage suffered, with measures adapted to the specific needs of victims and their families, including psychological and social support;*
- *Provide adequate psychological and financial support to the families of victims, and efforts to locate missing persons and provide clear answers about their fate.*

### ***Access to Information and Truth***

#### *Access to Archives and Truth*

- *Allow full and unrestricted access to national archives concerning enforced disappearances for families, researchers and NGOs;*

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<sup>34</sup> [Le Maroc obtient la présidence du Conseil des droits de l'homme en 2024](#)

<sup>35</sup> [Maroc Et Sahara Occidental 2023](#)

- *Create a national truth mechanism to continue to reveal the truth about gross human rights violations, in particular enforced disappearances.*

## ***Education and Awareness***

### *Education and awareness-raising programs*

- *Integrate education programs on enforced disappearances and human rights into the school curriculum to raise awareness among younger generations;*
- *Promote public awareness campaigns and official commemorations to preserve the memory of the disappeared and make future generations aware of the importance of human rights.*

## ***International Cooperation***

### *Collaboration and Reporting*

- *Make up for the delay in submitting reports to the Committee for the Prevention of Enforced Disappearances, and submit other reports to the treaty bodies promptly;*
- *Submit the required reports to the treaty bodies on time to monitor Morocco's international commitments.*

## **Conclusion**

Enforced disappearances in Morocco represent a dark and painful chapter in the country's history. Despite efforts to acknowledge these human rights violations and provide reparations, shortcomings persist, hindering the full realization of truth and justice for victims and their families.

Continued support for victims and their families, as well as the prosecution of those responsible, are guarantees for justice and reconciliation, and for preventing future human rights violations in Morocco.

The Moroccan government must intensify its efforts to resolve these cases, bring those responsible to justice, and implement further reforms. The reforms achieved are the fruit of several decades of struggle for justice, truth, and reconciliation, and are part of a process of democratic transition that began in the late 1990s and early 2000s.

Our recommendations are in line with the crucial importance of preventing the recurrence of these crimes and strengthening trust between the State and Moroccan citizens.