



المجلس الوطني لحقوق الإنسان
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Conseil national des droits de l'Homme

**Report of the National Human Rights Council
of the Kingdom of Morocco
to
The UN Committee on Enforced Disappearances**

Report for the CED session of September 2024

I. Introduction

1. The National Human Rights Council of Morocco (CNDH) is pleased to submit this report to the Committee on Enforced Disappearances (CED). The present input is intended to supplement the report submitted in June 2022, which served to assist in formulating the List of Issues (LoI). In this report, the CNDH presents updates reflecting recent developments within the national context concerning the implementation of the International Convention for the Protection of All Persons from Enforced Disappearances (Convention). It also provides updates on the implementation of the Equity and Reconciliation Commission's (IER) recommendations. Furthermore, the CNDH puts forward recommendations that the CED may consider in making its Concluding Observations. This report is structured in accordance with the CED's guidelines for input from various stakeholders, including National Human Rights Institutions (NHRIs).
2. The report of June 2022 provided a historical overview of the context in which enforced disappearances occurred and highlighted the role played by victims, their families and NGOs in initiating the process that led to the establishment of the Equity and Reconciliation Commission (IER). Additionally, the report outlined key issues that could be raised with the Moroccan Government. The CNDH's parallel report also highlighted the role of the transitional justice process in uncovering the truth regarding enforced disappearances and the progress made in implementing the recommendations of the IER, particularly those related to preserving memory and ensuring non-recurrence.
3. The CNDH welcomes the national report on the implementation of the Convention submitted under Article 29(1). It also welcomes the adoption of a participatory approach in the development of the report. Indeed, the CNDH took part in many consultations including with civil society organizations and human rights defenders. The CNDH addressed to the government many observations specific to the form and content of the draft national report (*LoI 5*).
4. The CNDH hopes that this contribution will offer valuable insights for the CED in its dialogue with the Government and serve as a useful reference for the CED in formulating its concluding observations.
5. The CNDH has 12 Regional Human Rights Commissions (CRDH), which cover the entire national territory. These commissions are those of Rabat-Salé-Kenitra, Fez-Meknes, Marrakech-Safi, Casablanca-Settat, Draa-Tafilalet, Oriental, Beni Mellal-Khenifra, Tangier-Tetouan-Al Hoceima, Guelmim-Oued Noun, Souss-Massa, Laayoune-Sakia El Hamra and Dakhla-Oued Eddahab.
6. The law 76.15 reforming the CNDH was adopted in February 2018¹. It considerably broadened the CNDH mandate, particularly by entrusting it with the mandate of three mechanisms provided for by international human rights instruments. These are the National Preventive Mechanism against Torture (NPM), in line with OPCAT, the National Child Redress Mechanism, in line with General Comment 2 of the Committee on the Rights of the Child, and the National Monitoring Mechanism for Persons with Disabilities, in line with Article 33 of the Convention on the Rights of Persons with Disabilities (*LoI 26*).
7. The Equity and Reconciliation Commission (IER) was officially established on January 7, 2004. It was established following a recommendation adopted by the Advisory Council on Human Rights (CCDH), the predecessor of the National Human Rights Council (CNDH). The process leading to its establishment involved victims and rights holders as well as NGOs. The IER looked into grave human rights violations that occurred in the past, including enforced or involuntary disappearance. It developed its own Bylaws, which were published in the Morocco's Official Gazette on April 12, 2004. These statutes outline its missions, define its jurisdiction, and specify the procedures for its

¹ Law reforming the CNDH is available at:

https://www.cndh.ma/sites/default/files/lqjwn_rqm_76.15_lmtlq_bd_tnzym_lmjls_lwtny_lhqwq_lnsn.pdf

operations, in conformity with international standards and guidelines. Encompassing 43 years, from 1956 to 1999, its mandate covered one of the longest periods in the history of transitional justice experiences worldwide. The IER ended its mandate by issuing a final report². In 2006, the Advisory Council on Human Rights³ was entrusted with following up on the implementation of the IER recommendations⁴, and for this purpose, it established and institutionalized a Follow-up Committee, by virtue of a decision made by the CNDH presidency. The administrative structure of the CNDH also includes a Memory Preservation Unit.

II. Items in the list of issues concerning the CNDH

8. Concerning item 4 of the LoI, the CNDH, with its 12 regional human rights commissions, is a constitutionally mandated, independent and pluralistic national human rights institution (NHRI) functioning in full compliance with the Paris Principles⁵. It has been accredited as an “A” status NHRI by the Global Alliance of National Human Rights Institutions (GANHRI) since 1999. This status was confirmed several times, the last of which was in March 2023, with one single recommendation addressed to the CNDH concerning the appointment and selection process⁶, as against three recommendations made following the review of 2015, including two recommendations on guarantee of tenure and functional immunity, which were fully implemented by the State⁷. Concerning the recommendation on the selection and appointment procedure, GANHRI noted that in practice, vacancies for some members are publicly advertised in the Parliament bulletin and website, which responds partially to GANHRI recommendation. The CNDH is working with the relevant authorities to fully respond to this recommendation. In recognition of its leadership and independence, the CNDH was elected in March 2022 as Secretary/Vice-President of GANHRI and takes up key responsibilities within the networks of NHRIs.⁸
9. Concerning the question on the mandate and activities of the CNDH regarding the Convention (LoI 4), the CNDH’s mandate encompasses all issues related to the protection and promotion of human rights and freedoms, including the protection from enforced disappearances. More particularly, the CNDH is mandated with complaint handling, monitoring, addressing all human rights issues and examination of the compliance of national legislation with international human rights standards, visiting all places of deprivation of liberty and mediation, etc.⁹.
10. In practice, from 2019 to 2023, the CNDH, its national mechanisms and its regional commissions received 15,267 complaints and requests concerning various human rights issues.
11. Regarding allegations of enforced disappearances falling outside the mandate of the IER, a complaint was received by the CNDH from families who claimed that 15 of their members had disappeared on 25 December 2005 while trying to travel to the Canary Islands by clandestinely crossing the Atlantic, and that none of them had managed to reach that destination. The CNDH received all these families during its visit to the city of Laayoune in March 2006, and filed the case with the competent public prosecutor’s office during its visit to the region in April of the same year. According to information available to the CNDH, the alleged missing persons are young people, most of whom are unemployed. They reportedly informed their families before their departure of

² Final Report of the Equity and Reconciliation Commission, available at: <https://www.cndh.ma/ar/rubriques/twthyyq/lstdrt/tqyr-hyy-lnsf-wlmslh>

³ This institution is the predecessor of the National Human Rights Council.

⁴ See Royal Speech of 2006, following the end of the IER mandate : <https://www.collectivites-territoriales.gov.ma/ar/khtb-wrsayl-mlkyt/ns-khtab-jlalt-almk-bmnasbt-antha-mhmt-hyyt-alansaf-walmsallht-wtqdyd-aldrast-hwl>

⁵ <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>

⁶ See report available on : <https://ganhri.org/wp-content/uploads/2023/04/SCA-Report-First-Session-2023-EN.pdf>

⁷ See SCA report available on : <https://ganhri.org/wp-content/uploads/2019/11/SCA-FINAL-REPORT-NOVEMBER-2015-English.pdf>

⁸ More details are provided in the CNDH annual reports (Section on international cooperation): available here: <https://www.cndh.ma/fr/node/6011>

⁹ See Section I of the CNDH enabling law: https://www.cndh.ma/sites/default/files/2024-08/dahir_ndeg1-18-17_portant_promulgation_de_la_loi_ndeg_76-15_relative_a_la_reorganisation_du_cndh_22_fevrier_2018.pdf

their intention to immigrate to Spain by sea, via the coast of Boujdour, based on complaints submitted to the public prosecutor office. In this regard, the Public Prosecutor at the Court of Appeal of Laayoune ordered that research and investigations be conducted in order to clarify the fate of the alleged missing persons on the basis of the complaints filed and reports were duly drawn up after hearing the complainants. In addition, he ordered a medical examination of two bodies washed up at sea, but the family members of the allegedly missing persons refused to submit to genetic samples to compare them with those of the bodies found. On 21 January 2016, the investigating judge at the Court of Appeal of Laayoune ordered a dismissal of the case, following the refusal of the plaintiffs to undergo DNA tests. Also, the investigations conducted after hearing witnesses and searches of telephones used by some victims did not identify the perpetrators. This case had been the subject of discussions between the Moroccan authorities and the UN Working Group on Enforced or Involuntary Disappearances, which considered that these cases have been clarified.

12. Regarding the alleged enforced disappearance of Mr. Lahbib Ahmed Hmiti (also known as Lahbib Aghrichi) (*LoI 20, art. 12&24*), immediately after learning that Mr. Aghrichi had gone allegedly missing on February 7, 2022, the Regional Human Rights Commission of Dakhla-Oued Eddahab, under the direct supervision of the CNDH' President, launched an investigation and monitored developments related to the incident. The CRDH interviewed Mr. Aghrichi's family members and engaged with local authorities, including the public prosecutor, who had opened an investigation into the matter. Following the hearings conducted with the family of Mr. Laghrichi, as well as the monitoring and analysis of various developments in this case and the outcome of biological tests, the CNDH excluded the possibility that this case is related to enforced disappearance. Also, according to information available to the CNDH, the Public Prosecutor conducted an investigation and found that this case is a homicide related to personal disputes between individuals involved in commercial transactions.
13. Regarding Omar EL Ouassouli (*LoI 20, art. 12&24*), the in-depth investigations conducted by the Equity and Reconciliation Commission and later by the Follow-up Committee confirm that the disappearance of Mr. Omar El Ouassouli was voluntary and that the authorities were not responsible for it. In fact, the authorities provided key information for the first time that his family was unaware of, confirming that Mr. EL Ouassouli was residing abroad at the time when the family claimed that he was a victim of enforced disappearance. The IER visited his family's residence near the city of Errachidia. It gave a hearing to his relatives and neighbors, some of whom confirmed that they had met him abroad at the time when his family was searching for him in Morocco.
14. Concerning other CNDH activities related to the Convention, the CNDH concluded in 2019 a memorandum of understanding with both houses of the parliament, by virtue of which the CNDH can make advisory opinions with a view to bringing national legislation into compliance with international standards. In this regard, the CNDH published in October 2019 a memorandum on the draft penal code, which calls for adopting definitions of enforced disappearances consistent with international standards and harmonizing provisions related to genocide, enforced disappearance, war crimes, and crimes against humanity, in terms of their elements and penalties, with relevant international standards. The memorandum also recommended the inclusion of a provision stating that enforced disappearance is also punishable if committed by an individual or a group of persons.
15. The CNDH organizes various activities related to UN conventions and international standards, including the Convention on Enforced Disappearances, with a particular emphasis on legal and institutional protection. These included capacity-building sessions for law enforcement officials. Indeed, as part of a partnership between the CNDH and the National Police Department (known under its French acronym DGSN), concluded on September 14, 2022, a series of training sessions have been so far conducted for high-ranking police officers responsible for police custody. The most recent training took place in September 2023. Similar trainings were conducted for other law enforcement officials, namely the prison staff, members of the Gendarmerie Royale and local authority agents. The CNDH is also contributing to a capacity-building program for judges of the public prosecution. This program was launched in late 2020 and is still going on. The CNDH has a

training institute that hosts capacity-building activities: Rabat Driss Benzekri Institute for Human Rights Training.

16. In terms of CNDH engagements with international stakeholders, the CNDH continues to provide all the necessary information and documents regarding victims of enforced disappearances referred to the government by the Working Group on Enforced or Involuntary Disappearances or the International Committee of the Red Cross. On May 13, 2023, the Chair of the CNDH conducted a working session with experts from the Working Group on Enforced or Involuntary Disappearances. During this session, she gave an overview of the IER's efforts in providing individual reparations, as well as memory preservation initiatives and strategic recommendations to prevent recurrence, including legislative and institutional reforms. In addition, following an inquiry by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence into the challenges faced by transitional justice mechanisms in dealing with victims of disappearances perpetrated by non-state actors, the CNDH emphasized its approach to handling this issue and the efforts made to ensure the rights of victims and their families.
17. With regard to visits to places of detention (*LoI 24 art. 17*), the CNDH and its regional commissions conducted in 2023, for example, a total of 285 visits to prison institutions. Reports were prepared after each visit, containing recommendations aimed at ensuring protection of the rights of inmates. These reports were forwarded to the relevant authorities for action and implementation of recommendations. The visits conducted by the CNDH and its regional commissions varied in nature, including routine inspections, unannounced visits, and general assessments of the conditions of inmates. Special visits were also carried out in cases involving allegations of torture, ill-treatment, or deprivation of certain rights, as well as for prisoners on hunger strikes and foreign nationals complaining about conditions within the penal institutions. The visiting teams were composed of legal experts, medical professionals and other specialized staff. The CNDH and its regional commissions receive complaints directly from prisoners following field visits, by phone, by letter and through their relatives.
18. The CNDH and its regional commissions conducted visits in 2023 to several foreign inmates. As an example, Guelmim-Oued Noun regional commission met with 74 inmates from Sub-Saharan African countries at the local prison of Tan-Tan. Laayoune-Sakia El Hamra regional commission visited and held hearings with 23 foreign inmates. Souss-Massa regional commission intervened on behalf of 19 inmates. Following these visits, legal issues, religious concerns and matters related to extradition were addressed. Also, requests for health services were met.
19. Regarding extradition procedures (*LoI 21 and art. 13*), the CNDH received complaints from foreign detainees in Moroccan prisons seeking intervention to prevent their extradition to requesting countries. The CNDH conducted visits to these inmates, engaged, in some cases, with their lawyers and facilitated communication with their families.
20. Established in 2019, The National Preventive Mechanism against Torture (NPM), conducted its first visit to a place of deprivation of liberty on April 23, 2020, in the midst of the Covid-19 pandemic, which impacted the number of visits in the first year of its existence. The NPM currently has a team of 20 members with expertise in various fields. From 2020 to 2023, the NPM carried out 96 visits to places of deprivation of freedom. All visits by the NPM were followed by detailed reports that were shared with the authorities concerned for implementation of the recommendations. Since its establishment in September 2019, the NPM has published five annual reports¹⁰ in the Official Gazette. Additionally, the NPM publishes thematic reports. Some of the visits conducted by the NPM were announced, but the majority are unannounced. The NPM also carries out follow-up visits to monitor the implementation of its recommendations. Following these visits, the NPM found that the majority of its recommendations have been implemented and even extended to other places of detention that were not initially visited (*LoI 26*).

¹⁰ <https://www.cndh.ma/en/library>

21. During its visits, the NPM reviews records and conducts interviews to evaluate how effectively the right to notify families of detainees is being upheld. The NPM noted in 2023 that the competent authorities consistently notify the families of detainees in accordance with national laws, particularly Article 23 of the Constitution, Article 66 of the Code of Criminal Procedure, and Article 17(d) of the Convention. However, an examination of the notification records revealed that there are some cases, whereby there is a delay between the time of detention and the notification of the families (*LoI 26*).¹¹

III. Outcome of transitional justice process regarding the establishment of truth about cases of enforced disappearances

22. The IER included a definition of enforced disappearance in its statutes in line with the international human rights law and international humanitarian law. This was done before the adoption of the Convention. To be noted that Morocco played a constructive role in the UN-sponsored committee that drafted the International Convention¹². For the IER, “enforced disappearance” is considered to be the abduction, arrest or detention of one or more persons, against their will, in secret places, unduly depriving them of their liberty, by public officials, individuals or groups acting on behalf of the State, followed by a refusal to acknowledge these facts or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law¹³.
23. The IER ensured that claimants, members of their family or acquaintances do not carry the burden of proof and adopted flexible means to prove the claims by examining evidence, investigating the circumstances, the context and testimonies of witnesses.
24. The IER expanded its mandate to include other abuses, including extrajudicial killings, deaths from bullet wounds sustained during social unrestful events and rape. The IER also considered the victims of social unrestful events as cases of disappearance, since the victims’ corpses were concealed and buried in the absence of their families. It also adopted a gender-based approach to addressing the cases of enforced disappearance and adopted affirmative discrimination in the estimation of the amounts of financial reparation to be granted to women.
25. The IER compensated victims who were forced to disappear inside the national territory or to self-exile abroad to flee persecution by State agencies due to their political, trade union or association activities conducted without being legally protected. It also compensated surviving victims and right-holders of deceased victims of enforced disappearance who were imprisoned outside the Moroccan territory during the armed conflict which had erupted in the Sahara region, based on the theory of risks whereby the State is responsible for protecting its nationals.
26. The overall total of the cases of enforced disappearances handled by the IER and its follow up committee (*LoI 7*) reached 1,314 cases, including 803 cases (36 women) confirmed as dead and 511 cases (64 women), who were released from detention centers. The IER and its Follow-up Committee found that in two other cases the responsibility of the State was not confirmed. The CNDH has the list of all former victims of enforced disappearances included in its database.
27. Regarding item 33 of the list of issues, the Independent Commission for Arbitration and Compensation had asked victims and their families to sign a statement accepting the arbitration results regarding the compensation amount. However, this requirement was abolished by the IER,

¹¹ NPM annual report for the year 2023: CNDH 2023 annual report

¹² See p. 16, <https://www.hrw.org/reports/2005/morocco1105/morocco1105.pdf>

¹³ See Article 5, Para. 2, of the IER Statutes : https://menarights.org/sites/default/files/2016-12/MAR_JT_StatutsIER_FR.pdf

and it was no longer necessary for living victims. The arbitration decisions provided to the families of victims whose burial places had not been identified included a recommendation to the government to inform the families of the burial location once determined. This has been done in many cases, following genetic analyses conducted on remains discovered through investigations carried out by the IER.

28. The Follow-up Committee on the Implementation of the IER Recommendations, established within the CNDH, sought foreign expertise to identify the remains of certain victims through an agreement with an international genetic laboratory in 2009. In parallel, Moroccan authorities have built the capacities of Moroccan experts and equipped their laboratories with the latest technology. This has made it possible to continue additional genetic analyses that were not covered by the initial cooperation agreement with the international laboratory. In this context, the CNDH, in partnership with the DGSN scientific police's genetic laboratory and in coordination with the Public Prosecution Office, began conducting genetic analyses on bone samples from victims who died in Tazmamart, a former secret detention center. The results will allow for the identification of victims' graves. The families of victims were involved in this process by giving saliva samples. DNA tests are carried out according to international standards regarding individual, free and informed consent of victims' relatives, who will be provided by the results of the analyses.
29. Regarding the bone samples previously sent to the international laboratory in 2010 for genetic analysis, which could not be completed due to sample degradation, the CNDH requested on November 28, 2022, that the same laboratory reassesses the possibility of extracting DNA from these samples, given recent technological advancements. The results obtained were positive.
30. The CNDH also provided the Public Prosecution Office with information obtained through investigations confirming the deaths of several victims during their detention. In 2023 and 2024, the CNDH received 32 death certificates related to a group of victims of enforced disappearance. These certificates allow the families to resolve various legal issues and to complete their files with the Follow-up Committee by providing the necessary documents.
31. In its annual report for the year 2023, the CNDH noted the positive interaction from Government and the relevant sectors in accelerating the implementation of the recommendations of the IER, including reparations, preservation of memory and rehabilitation of burial sites for victims of past human rights violations.
32. As at June 2024¹⁴, the number of beneficiaries of the financial reparation, including former victims of enforced disappearances or their rightful claimants, totaled 27,723 since the establishment of the Independent Commission for Arbitration and Compensation in 1999 with a total of USD 211.8 million.
33. The IER recommended that special attention be given to socio-economic, cultural, and environmental rights in the reparations, particularly in regions that hosted secret detention centers and zones that experienced socio-economic marginalization. This was implemented through community reparation programs. The CNDH was responsible for monitoring the implementation of 149 projects spread across 13 provinces of Morocco. The budget allocated to this program amounted to USD 16.3 million. Of this amount, 75% came from a national contribution (government/CCDH/CDG Foundation/local associations), while 25% was raised from international partners.
34. The CNDH continued to mobilize the necessary financial resources for individual reparations. Since June 2022, a total of 298 individuals have benefited from these measures, including cases of disappearances dating back to the mid-1960s and early 1970s. A budget of USD 3.6 million was allocated for their compensation. Additionally, a recommendation was made to grant all

¹⁴ See CNDH annual report for the year 2023

beneficiaries access to health coverage, totaling USD 22.4 million and benefitting 20,251 individuals, with 9097 health cards allowing holders and their eligible relatives to benefit from the public medical insurance (CNOPS). The Follow-up Committee also supported former victims to receive 1,393 emergency medical interventions, amounting to USD 805 thousand since 2004.

35. In implementation of one of the recommendations of the IER regarding the preservation of national archives, a total of 23,360 arbitration decisions were compiled in 167 volumes, of which 5,749 were issued by the Independent Commission for Arbitration and Compensation and 17,611 by the IER and the Follow-up Committee. Additionally, a total of 18,449 arbitration decisions were digitized and added to the database. Furthermore, 952 documents from the archives of the IER, received by the Council from a former member, were classified and digitized. Overall, once digitized, the work of the IER will be handed over to Archives du Maroc.
36. The CNDH also processed and cataloged a total of 3,037 tapes, comprising 2,198 video tapes and 839 audio tapes. As a result of this process, 85% of the tapes were organized. These tapes document a range of activities, including the IER's public hearings, sessions with witnesses, thematic seminars, dialogues, and materials related to detention centers, as well as the work of the Follow-up Committee.
37. With regard to memory preservation spaces, the CNDH continues its efforts to preserve memory in collaboration with the government. This includes the restoration and rehabilitation of burial sites and the construction of commemorative stone memorials at various locations.
38. In 2020, the CNDH implemented a new approach to expedite the development of memory preservation spaces. This approach involved mobilizing all relevant government sectors and program partners. As a result, further significant progress has been made in implementing the recommendations related to memory preservation and collective reparations under the current mandate of the CNDH, with a total amount allocated for developing memory preservation spaces reaching USD 5.6 million.
39. The CNDH continued to oversee the final phases of developing the former Tazmamart detention center, which began in February 2020. The rehabilitation aims to transform it, in consultation with NGOs, into a space for developing economic, social and environmental initiatives and activities. The achievements and commitments includes the construction of the road section leading to the village of Tazmamart, which connects the Tazmamart Kasbah to Regional Road No. 708, a distance of 3.7 km, with a budget of USD 0.4 million, development of the Tazmamart space with a budget of USD 1.2 million dirhams, support for the cultivation of approximately 420 hectares of land near the village of Tazmamart, construction of a multi-sports center in the village of Tazmamart, construction of a new health facility, construction of a mosque in the village of Tazmamart and installation of mobile and internet coverage network in the area.
40. The CNDH continues to explore available options with relevant government departments and local authorities to secure funding for the restoration and rehabilitation of the former detention center in Agdez. A study by a specialized architect has been conducted to determine the cost of this project. The aim is to transform it into a space for memory and ensure collective reparations for the local population, by making it an attraction site and enhancing socio-economic development linked to the program for the rehabilitation and development of kasbahs and forts.
41. The CNDH continues to work on converting the former Pasha's office in Al Hoceima into a memory preservation museum, in line with the IER's recommendations related to memory preservation. In this regard, the CNDH continues to collaborate with the partners in the construction of the museum, including the Regional Council of Tangier-Al Hoceima, the Provincial Council, the Municipal

Council, and the Ministry of Culture. In the first half of 2023, the technical and architectural studies for Al Hoceima Museum were completed, along with geotechnical assessments to evaluate the condition of the building and foundations. Additionally, all necessary paperwork was finalized, including the construction permit application, which was approved by the Urban Agency on May 23, 2023.

42. The construction and preparation of the museum's headquarters will be carried out by the National Agency for Public Equipment, as per an agreement signed on December 19, 2023. The construction and preparation work, set to last 18 months starting in March 2024, will be complemented by ongoing research and collection of artifacts and heritage materials to shape the museum's content, exhibits, and activities. The total estimated cost of the architectural works stands at USD 1.8 million. The budget of other works is being estimated.
43. The CNDH continued to build partnerships with CSOs, victims, and their families for memory preservation and prevention of enforced disappearances. Indeed, it provided support for their initiatives to preserve memory of enforced disappearance victims. Between 2022 and 2023, the CNDH allocated USD 116 thousand to support six civil society organizations through a call for project proposals focused on memory preservation. These projects addressed key areas including medical rehabilitation, psychological support for human rights victims, the role of forensic medicine in memory preservation, regional memory preservation, safeguarding historical sites, and gender-sensitive approaches to memory preservation.
44. To preserve the memory of victims and their families, the CNDH compiled and supported the publications of biographies of victims of arbitrary detention and enforced disappearance, as well as bibliographic references to writings related to past violations. The compilation includes 246 publications, issued between 1969 and 2023, categorized by title, author, publication date, publisher, language, and country of publication. This effort aims to preserve memory and facilitate researchers' and historians' access to these works, thus supporting the study and understanding of Morocco's contemporary history.
45. Throughout 2024, the CNDH is commemorating the 20th anniversary of the Equity and Reconciliation Commission with various activities¹⁵. This includes a permanent photo exhibition at the CNDH headquarters, which highlights key milestones in transitional justice in Morocco and welcomes visits from the public, including school and university students as well as journalists, diplomats, human rights defenders, etc. Additionally, a theater play inspired by prison literature, produced by high school students, premiered in June 2024 at the CNDH headquarters. The CNDH also provided support to victims' representatives and their associations in collecting and preserving their archives and documenting testimonies of past human rights violations. In addition, the CNDH's exhibition space at the Rabat 2024 International Book Fair focused on transitional justice, highlighting major achievements and legislative and constitutional reforms in Morocco. Academic activities on transitional justice were also organized during the book fair, with participation from experts, including former UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.
46. The Rabat World Human Rights Pre-Forum¹⁶, held as a prelude to the 3rd World Human Rights Forum (WHRF) in Argentina in March 2023, was co-organized by the CNDH and the International Center for the Promotion of Human Rights (CIPDH-UNESCO). The international Pre-Forum brought together Moroccan and international experts, researchers, officials, academics, and representatives of national and international organizations, including the United Nations and the African Union, to discuss important developments and emerging human rights challenges related to three fields, including transitional justice and memory. More than 300 human rights defenders from

¹⁵ <https://www.cndh.ma/ar/alsydt-bwyash-ty-antlaqt-falyat-tkhlyd-aldhkry-alshryn-ltasys-hyyt-alansaf-walmsalht>

¹⁶ <http://www.rabatpreforumintlhd.cndh.ma/>

50 countries shared their experiences and best practices. The discussions culminated in the development of Rabat Declaration which include recommendations, proposals, and initiatives aimed at renewing international advocacy, with a focus on the protection and promotion of human rights. These conclusions were presented at the 3rd World Forum on Human Rights in Argentina.

47. The CNDH, the Department of Political Affairs and Peace and Security (PAPS) at the African Union Commission (AUC), and the Centre for the Study of Violence and Reconciliation (CSV), organized the Seventh Edition of the African Transitional Justice Forum from September 12 to 14, 2023, in Rabat, Morocco. This annual multi-stakeholder continental platform aimed to review the state of Transitional Justice (TJ) in Africa and provided guidance to African states on recovering from protracted violent conflicts while fostering peace, strengthening democratic governance, and advancing socio-economic development. The three-day forum featured nine sessions with 26 panelists and 180 participants, including scholars, researchers, practitioners, policymakers, representatives of national human rights institutions, civil society organizations, and other stakeholders working on TJ issues in Africa¹⁷.
48. The CNDH continues to promote transitional justice in its actions of cooperation with several partners. For example, it participated in the National Transitional Justice Conference in Sudan from March 14 to 18, 2023. This conference was organized by the Trilateral Mechanism (United Nations, African Union and IGAD) and the High National Committee on Transitional Justice. The CNDH delegation provided insights into the IER experience and contributed to facilitating an open dialogue with various Sudanese stakeholders, with the aim of developing principles for building a Sudanese model for transitional justice. Also, training sessions for members of the National Human Rights Institution of Ethiopia, organized in Rabat in 2023, covered several human rights topics, including the Moroccan experience in transitional justice.

IV. CNDH recommendations that the CED may consider in its concluding observations

49. The CNDH recommends that enforced disappearance is criminalized in the penal code as a separate offence, that is punished with appropriate penalties that take due account of its extreme seriousness. The CNDH refers to its memorandum¹⁸ on the draft penal code which highlights the need for the upcoming penal code to adopt the definition of enforced disappearance stipulated in article 2 of the International Convention on the Protection of All Persons from Enforced Disappearances.
50. While the CNDH welcomes the progress made by the government of Morocco in terms of treaty practice, by ratifying all core human rights instruments and six procedure and thematic protocols, including the recently ratified protocols (Optional Protocol to the International Covenant on Civil and Political Rights and Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women), the CNDH encourages the government to recognize the Committee's competence to receive and consider individual communications under articles 31 of the Convention. The CNDH believes that this step will reinforce the protection from enforced disappearance provided for in the Convention.
51. While the CNDH is now equipped with a database including all former victims of enforced disappearances identified by the Independent Commission for Arbitration and Compensation, IER and the Follow-up Committee, it encourages the State authorities to share with it any updated information on enforced disappearances, with a view to reinforcing a single nationwide database containing disaggregated information regarding former victims or any new cases of alleged cases of enforced disappearances.

¹⁷ <https://au.int/en/newsevents/20230912/7th-edition-african-transitional-justice-forum>

¹⁸ See page 27 and 28 of the Memorandum on the CNDH proposals and recommendations on the amendment to the penal code. Available here:

http://www.cndh.org.ma/sites/default/files/cndh_-_web_code_penal_va.pdf

52. While the CNDH welcomes the decisions of judicial authorities to open prompt, thorough and impartial investigations, whether based on a complaint or as part of a self-tasking mission, in any case of alleged enforced disappearance, including of migrants, it urges them to continue to take such measures and, if any case proved to be substantiated, ensure that alleged perpetrators are prosecuted and punished, and that a confirmed victim receives adequate reparation, taking into account his/her specific needs.
53. The CNDH highlights the recommendation to criminalize in the penal code enforced disappearances when perpetrated by persons or groups of persons, in application of the Article 3 of the International Convention and the constitutional provision criminalizing enforced disappearances.
54. The CNDH encourages the State to include in legislation the accountability of superiors for the crime of enforced disappearance perpetrated by subordinates in line with the conditions specified in article 6 of the Convention, as no order or instruction from any public authority, civilian, military or other, may be invoked to justify an offence of enforced disappearance, while sensitizing subordinates of the atrocity of this crime and holding them accountable for their obligations to respecting human rights.
55. The CNDH will continue to disseminate the Convention, as widely as possible, including through its 12 regional commissions and expresses its willingness to engage in the implementation of the recommendations that will be contained in the CED concluding observations.