



**The Examination of Morocco's Initial Report on the  
Implementation of the International Convention for the  
Protection of All Persons from Enforced  
Disappearance**

**27th Session of the Committee on Enforced  
Disappearances**

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## **Introduction to the Moroccan Organization for Human Rights**

1- The Moroccan Organization for Human Rights is an independent civil organization with public utility status, founded on December 10, 1988. Its objectives are the protection and promotion of human rights. The organization holds consultative status with the Economic and Social Council and is a member of several regional and international organizations, including the Arab Organization for Human Rights, the Euro-Mediterranean Coalition against Enforced Disappearances, the Euro-Mediterranean Human Rights Network, the International Federation for Human Rights, and the International Coalition for the Abolition of the Death Penalty.

2 - Its methods and mechanisms of work include issuing press releases, statements, and conducting studies and fact-finding missions. Since 1997, it has also been involved in monitoring elections and certain trials, and advocating for strengthening Morocco's involvement in the international human rights system and improving its treaty practices.

3 -The organization also relies on submitting memorandums in its advocacy efforts, having presented several regarding the revision of the nationality law, the press and publication law, the penal code, the code of criminal procedure, and the adoption of laws related to the right to petitions, the National Council for Languages and Moroccan Culture, and constitutional reforms. Additionally, it participates in the Royal Advisory Committee on Constitutional Review.

4 -Furthermore, the Moroccan Organization for Human Rights has accumulated experience in submitting observations and parallel



reports to treaty bodies. This includes reports submitted to the Human Rights Committee regarding Morocco's implementation of the International Covenant on Civil and Political Rights, to the Committee against Torture on the implementation of the Convention against Torture, to the Committee on Economic, Social and Cultural Rights on the implementation of the International Covenant on Economic, Social and Cultural Rights, and through the Universal Periodic Review mechanism.

### **The Role of the Moroccan Organization for Human Rights in Transitional Justice\***

5 -The Moroccan Organization for Human Rights has played an active role in the field of transitional justice, particularly concerning the issue of enforced disappearance. In 1989, it published the first report containing preliminary data on arbitrary detention and enforced disappearance. Additionally, in 1992, it released a documentation report aimed at putting an end to the phenomenon of political detention and enforced disappearance. In 2001, the organization took the initiative to hold a symposium on enforced disappearance and announced its support for the process of closing the chapter on gross human rights violations.

6 - Moreover, the organization contributed to documenting human rights violations, including cases of enforced disappearance, and participated in advocacy campaigns for the victims of enforced disappearance, torture, and arbitrary detention. It collected testimonies from victims and their families and called for the truth to be revealed in order to achieve justice. The organization also contributed to promoting a culture of national reconciliation by supporting initiatives to reform security and judicial institutions to ensure non-repetition. It provided its expertise and participated in



numerous public and private hearings organized by the Equity and Reconciliation Commission.

7 -Furthermore, the organization played a significant role in urging the Moroccan government to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

8 - The Moroccan Organization for Human Rights contributed to this field through its membership in:

- The Equity and Reconciliation Commission
- The Committee for Monitoring the Recommendations of the National Symposium on Gross Human Rights Violations
- The Committee for Drafting the 2011 Constitution
- The National Council for Human Rights.

### **Introduction\***

9 - The Moroccan Organization for Human Rights presents this contribution within the framework of the examination of the initial report on the International Convention for the Protection of All Persons from Enforced Disappearance by the Committee on Enforced Disappearances during its 27th session in September 2024.

### **First: The General.**

10 - The general context for the preparation of this contribution is governed by three main factors:

A: The Kingdom of Morocco's engagement in constitutional, legal, and institutional reforms related to human rights since the 1990s.

B: The inclusion of enforced disappearance as a criminal offense in the 2011 Constitutional Document.



C: The preparation and submission of Morocco's initial report on the International Convention for the Protection of All Persons from Enforced Disappearance.

11 - From this standpoint, we make two essential observations:

- The Kingdom of Morocco has completed the ratification process of the International Convention for the Protection of All Persons from Enforced Disappearance.

- The positive reception of the 2011 Constitutional Document to the main recommendations of the Equity and Reconciliation Commission.

**Second: The General Framework Governing the Implementation of the International Convention for the Protection of All Persons from Enforced Disappearance: Enhancing Justice and Protecting Human Rights\***

12- The implementation of the Convention on Enforced Disappearance requires the incorporation of its provisions into the national laws of the states parties, the establishment of effective preventive mechanisms to ensure the right of all persons to obtain accurate information about the whereabouts of their detained or missing relatives, and the establishment of strong accountability mechanisms to address any cases of enforced disappearance. This includes strengthening the powers of national courts to consider cases of enforced disappearance and ensuring that the perpetrators of these crimes do not escape punishment. The general framework should also include mechanisms to protect victims of enforced disappearance and their families, as well as witnesses to these crimes. Additionally, it requires strengthening international cooperation among states parties to the Convention on the one hand, and the role of the Committee on Enforced



Disappearances in monitoring the implementation of the Convention on the other.

### **\*A: Incorporating the Recommendations of the Equity and Reconciliation Commission into the Moroccan Constitution\***

13 -We positively note that the incorporation of the Equity and Reconciliation Commission's recommendations related to enforced disappearance into the Moroccan Constitution marked an important step toward enhancing transitional justice and ensuring the enjoyment of human rights. The 2011 Constitution affirmed Morocco's commitment to protecting human rights as recognized internationally, which includes protection from violations, including enforced disappearance, with the assurance of victims' rights to reparations and redress. It also provided the legal basis for holding those involved in violations accountable. Additionally, the Constitution enabled the establishment of institutions and bodies for human rights and governance, with the strengthening of the powers of independent national institutions, such as the National Human Rights Council, which plays a crucial role in monitoring the implementation of the Equity and Reconciliation Commission's recommendations, protecting the rights of victims, and preventing violations.

### **\*B: Criminalizing Gross Human Rights Violations in the Moroccan Constitution\***

14 - Regarding the provisions of the Constitution related to protection from and criminalization of gross human rights violations, we note the emphasis on guaranteeing fundamental rights, notably the right to life (Article 20), which forms the basis for criminalizing gross violations such as unlawful killings. The Constitution also protects freedom of opinion and expression



(Article 25), the right to physical and moral integrity, and prohibits torture (Article 22) and cruel or inhuman treatment or punishment. Gross human rights violations, including arbitrary detention, torture, and enforced disappearance, are criminalized, categorized as among the most serious crimes that expose their perpetrators to the severest penalties, with guarantees of a fair trial and the prohibition of incitement to hatred, racism, and violence (Article 23).

**Q: Efforts to Ensure that Past Violations are Not Repeated:\*\***

15 - We note that the Kingdom of Morocco has taken significant steps to prevent the recurrence of past practices and enhance the protection of human rights by establishing the Equity and Reconciliation Commission. This commission has been working on addressing the effects of severe human rights violations to achieve justice for the victims. It has recommended a series of measures to address the situation, including providing financial and moral compensation to victims and their families, honoring them through memorialization activities and documenting the history of violations, as well as legal reforms (updating the criminal code, improving legal procedures related to investigations and trials, ensuring the rights of victims and complainants, and establishing a legal framework for the protection of human rights). Additionally, mechanisms to protect human rights have been developed, judicial independence has been strengthened (such as establishing the High Council of the Judiciary to ensure judicial independence and providing mechanisms for monitoring judges' performance and training them on international human rights standards to ensure the application of laws), national human rights institutions have been created (e.g., the National Human Rights Council to monitor human rights conditions, follow up on human



rights violations, and provide reports), transparency and accountability have been enhanced, and cooperation with international organizations (such as the United Nations) has been established for technical support and advice.

### **Observations of the Moroccan Organization for Human Rights Regarding the Implementation of the Constitution in Enhancing Human Rights Protection\*\***

16 - The Moroccan Organization for Human Rights notes that despite these measures and the significant progress in incorporating the recommendations of the Equity and Reconciliation Commission into the constitution, challenges still remain in their actual implementation. For instance, legal complexities hinder the completion of individual redress processes for some victims of violations, such as resolving certain social integration files and administrative and financial situations. There is also a continued need to increase societal awareness of human rights culture to ensure broader support for reforms and prevent the recurrence of violations. To address this, the Moroccan Organization for Human Rights recommends the following:

- Activating certain rights that need support and practical application to meet the needs of all citizens, such as the right to health, education, and the rights of vulnerable groups.
- Accelerating ongoing reforms to enhance judicial independence and ensure its integrity. Despite the existence of constitutional and legal texts that bolster judicial independence, there are challenges related to the actual independence of some judges.
- Strengthening and supporting constitutional institutions and other independent bodies to effectively monitor and implement human rights commitments. Although there are legal mechanisms





for redress and human rights protection, there is a lack of effectiveness in coordination among them and in implementing their recommendations by the relevant executive authorities.

- Enhancing awareness through training and continuous education programs on human rights for law enforcement officials to increase awareness of the importance of adhering to constitutional provisions and Morocco's international obligations.

### **Incorporation of the Equity and Reconciliation Commission's Recommendations into the Criminal Justice System: A Step Towards Enhancing Justice and Human Rights in the Kingdom of Morocco.**

17 -We note that the incorporation of the Equity and Reconciliation Commission's recommendations into the Moroccan criminal justice system is a crucial part of the transitional justice process adopted by Morocco after decades of human rights violations. We also note that the aim of these recommendations is to achieve justice for the victims and ensure that such violations do not recur.

### **Incorporation of Recommendations into the Criminal Justice System:**

18 -We note the integration of numerous legal amendments related to the protection of rights and freedoms within the Moroccan criminal justice system. These include the introduction of provisions criminalizing and punishing enforced disappearance, torture, and arbitrary detention. Additionally, measures to protect victims and witnesses have been reinforced, and the scope of victims' rights has been expanded through the establishment of legal mechanisms to facilitate redress and ensure comprehensive



compensation, including financial, psychological, and social support. Guarantees of the right to a fair trial have been enhanced, including the right to defense, the right to remain silent, the right to access evidence, and the expansion of the scope for appeals. The right to redress is defined by law through mechanisms for submitting complaints, grievances, and investigations.

### **Observations of the Moroccan Organization for Human Rights on Legislative Framework Gaps**

19 - Regarding the Penal Code<sup>\*\*</sup>: It is noted that the Penal Code does not include a specific and precise definition of enforced disappearance that aligns with international standards. Additionally, the penalties prescribed by the Penal Code for some human rights-related crimes may not be sufficient to deter perpetrators.

20- Regarding the Criminal Procedure Code<sup>\*\*</sup>: There is a noticeable weakness in the procedures for protecting the rights of victims and their families in cases of disappearance. These judicial procedures suffer from delays in handling such cases, which contributes to the loss of evidence and hampers effective justice.

21-Regarding Illegal Migration<sup>\*\*</sup>: The organization sadly notes the increasing number of migrants heading to Europe via Moroccan territory and the resulting cases of disappearance despite all efforts to protect them. It also notes the delay of the Moroccan Kingdom in adopting a specific law to regulate migration, which would enhance protective measures in this context.

22- Regarding Asylum<sup>\*\*</sup>: The current legal provisions and procedures for asylum are insufficient to protect asylum seekers from any violations. There is a lack of guarantees for protecting them from unlawful deportation or detention. Delays in processing



asylum requests may contribute to the risk of refugees disappearing, especially if they do not receive adequate protection during the waiting period.

23- Regarding Human Trafficking<sup>\*\*</sup>: Although the human trafficking law addresses important issues, its legal coverage may be limited in dealing with cases of disappearance related to human trafficking. There is also a noted weakness in coordination between various bodies involved in combating human trafficking, which impedes the ability of actors to effectively address cases of disappearance related to trafficking.

### **Impact of the Equity and Reconciliation Commission on Ending Enforced Disappearance in Morocco.**

24 -The enforced disappearance issue in Morocco is now considered part of the past, thanks to political will and community efforts to close this painful chapter. The handling of enforced disappearance cases in Morocco has become a unique model in the Middle East and North Africa region, from which other countries can learn in their efforts towards justice and reconciliation.

25 -The Equity and Reconciliation Commission, as a prominent example of transitional justice, adopted a distinctive methodology in addressing enforced disappearances. This included collecting data, information, and evidence through public and confidential hearings, conducting comprehensive investigations into detention records and suspected locations, and gathering testimonies from victims, their families, and witnesses. The Commission's final report, released at the end of 2005, included details on enforced disappearances, recommendations for victim compensation and official apologies, and suggestions for legal and institutional reforms to prevent such violations from recurring. These reforms



encompassed enhancing human rights protection and amending laws to criminalize enforced disappearance, torture, and arbitrary detention.

### **Role of the Follow-Up Committee for Implementing the Recommendations of the Equity and Reconciliation Commission**

26 - The role of the Follow-Up Committee, part of the National Human Rights Council, is positively noted in ensuring the application and implementation of the recommendations made by the Equity and Reconciliation Commission. The committee continues its work in this area and provides periodic reports to the National Human Rights Council on the progress of implementation. It interacts with authorities and institutions to ensure effective implementation of recommendations, supports victims of gross human rights violations, raises human rights awareness, and provides additional recommendations when necessary.

### **In this context, the Moroccan Organization for Human Rights observes the following:**

27 - Not all unresolved cases left by the Equity and Reconciliation Commission have been clarified, and there has not been a comprehensive report on the Follow-Up Committee's work regarding the implementation of the Commission's recommendations.

28 - Compensation has often been purely financial and has not included comprehensive psychological and social support needed by families to recover from these tragedies. Additionally, there are complaints that some victims have not received adequate



compensation or have not been included in compensation programs.

29 - There has been insufficient documentation and preservation of collective memory, as adequate efforts have not been dedicated to documenting this period in Moroccan history and preserving the collective memory of society. The lack of sustained efforts to preserve and document victims' testimonies and stories could lead to the loss of a significant part of Moroccan history and diminish future generations' understanding of what happened.

30 - The legal reforms have not been comprehensive enough. Despite some legal reforms to enhance human rights, they have not been extensive enough to ensure the prevention of enforced disappearances. There are still gaps in the Moroccan Penal Code regarding the criminalization of enforced disappearance, torture, and arbitrary detention.

### **Recommendations of the Moroccan Organization for Human Rights**

31 - Accelerate the adoption of the draft Penal Code and the draft Criminal Procedure Code.

32 - Align national legislation with the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance, specifically regarding the definition of enforced disappearance, criminalizing it as an independent crime, and ensuring that the crime is not subject to statute of limitations.

33 - Complete the accession to the Convention by recognizing the competence of the Committee on Enforced Disappearances to receive individual complaints under Article 31.



34 - Provide the necessary resources to enhance the work of the Follow-Up Committee for Implementing the Recommendations of the Equity and Reconciliation Commission established within the National Human Rights Council to complete its tasks regarding redress and memory preservation.

35 - Continue efforts to rehabilitate the forensic system to support institutions and authorities in implementing the Convention and protecting against any violations.

36 - Accelerate the adoption of the new migration law.

37 - Accelerate the adoption of the new asylum law.