



Equity and Reconciliation Commission: Looking Back While Moving Forward

The reign of Moroccan King Hassan II, which lasted from 1956 to 1999, is internationally recognized as a period of internal strife whereby the Moroccan government perpetrated large scale human rights violations against its citizens. Under Hassan II, abuses included forced “disappearances” of dissenters of the government, holding “disappeared” persons in secret detention centers, widespread arrests and unfair trials, and substandard prison conditions and torture of prisoners. For most of his reign, Hassan II vehemently denied the abuses, but eventually began to recognize the violations in the 1990s. After Hassan II’s death in July 1999, his son Mohammed VI continued to investigate and attempt to address past human rights abuses under his father’s reign. The government established the first reconciliation commission in the Arab world, the Equity and Reconciliation Commission. (Equité et Réconciliation or “IER”).

The IER has multiple goals, including 1) identifying human rights abuses between 1956 and 1999, 2) providing reparations to victims of past human rights abuses and their families, 3) developing a plan to ensure that such abuses will never occur again, and 4) rebuilding a positive relationship between the government and its citizenry. In order to achieve these goals, the IER has called for applications by victims of abuse and their families in an attempt to identify the abuses and provide monetary compensation. It has also established a series of public hearings where victims and their families can share their experiences with the Moroccan public. The efforts of the IER have resulted in both praise and criticisms from international human rights groups and the international community.

The major criticisms of the IER include its inability to name perpetrators of past abuses, its limited mandate which, according to its statute, only includes, enforced disappearances and arbitrary detentions, the lack of authority to compel evidence and testimony from the government, the limited time frame the commission covers (it ends in 1999), and the potential for unequal treatment of victims of abuse from the Western Saharan region. By comparing the IER to South Africa’s Truth and Reconciliation Commission – perhaps the best example of a truth and reconciliation commission based on restorative justice values – it becomes apparent that the criticisms voiced about the IER have merit. The decision to exclude perpetrators from the process and to limit the mandate of the commission (both in time and substance) restricts the extent of the acknowledgment felt by the population, harms Morocco’s likelihood of greater human rights compliance in the future, and creates a historical narrative that is less accurate than one that would emerge from a commission that did not cover up abuses through the present and included perpetrators in the process.

Looking to the future, truth commissions should strive to achieve a balance between retribution and reconciliation, which does not necessarily require punishment of specific perpetrators of abuse, but does call for a sense of ownership and honesty about their participation. Only with a complete account of the abuse, including the recognition



of the perpetrators, can a society plagued with human rights violations truly heal and reconcile with its past.

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