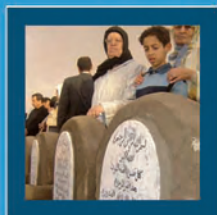




Kingdom of Morocco
Equity and Reconciliation Commission



Final Report

Volume 2

**ESTABLISHING TRUTH AND
RESPONSIBILITY REGARDING
HUMAN RIGHTS VIOLATIONS**

A National Commission on Truth, Equity and Reconciliation

**Kingdom of Morocco
Equity and Reconciliation Commission**

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Chapter One

STANDARDS AND REFERENCES

Introduction

As a combination of violations infringing upon many internationally protected basic rights, enforced disappearance constitutes one of the grave violations which fall within the remit of the Equity and Reconciliation Commission. It is further aggravated by its far-reaching consequences, extending far beyond the immediate victims. As a violation infringing upon the right to life, enforced disappearance is intended as a means to instil fear and panic in victims but also in families, friends and society at large.

Because the phenomenon of “enforced disappearance” is relatively new, general conventions on human rights, on both the international and regional¹ levels, do not include any express provisions about the right not to be exposed to this violation. With that in mind, international law scholars argue that this complex practice has purposely been devised in order to circumvent the legal framework set up for the protection of human rights. However, with the rampant spread of the practice of enforced disappearance in many countries, the international community has become seriously concerned about dealing with it, through establishing binding legal mechanisms to protect and guarantee the right not to be exposed to this violation.

In fact, acts leading to enforced disappearance, namely abduction, detention and, in some cases, extrajudicial execution or death due to detention conditions, are already prohibited under all domestic laws ; and existing institutional and legal guarantees in well-established rule-of-law states provide sufficient protection from such practice.

In addition, a number of countries, which have experienced the phenomenon of enforced disappearance in a widespread and systematic way, have enacted legislation aiming at criminalizing enforced disappearance on the basis of the provisions of the Declaration on the Protection of all Persons from Enforced Disappearance and the contents of the recommendations of the UN work group involved².

I. Legal Protection from Enforced Disappearance

1. In International Law

The provisions of International Human Rights Law relating to protection against exposure to enforced disappearance and to the guarantee of the rights of individuals who are subject

¹ e.g. the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the American Convention on Human Rights and the African Charter on Human and Peoples’ Rights.

² Reference is made here in particular to some Latin American countries where widespread enforced disappearance has been practised on a large scale basis.

to this practice -or their families- are scattered among a group of international instruments³ relating to human rights. The International Covenant on Civil and Political Rights includes a group of basic rights that are violated whenever the individual is subjected to enforced disappearance. Among them are the following main rights : the right to life ; the right not to be exposed to torture and ill-treatment ; the right to legal personality etc.

As explicitly stated in the jurisprudence of the Human Rights Committee, spelled out in a General Comment⁴, the non-derogable provisions stipulated under Article 4 of the Covenant shall be construed to include the basic principles of International Humanitarian Law and the norms of international law, including prohibition of abduction, the taking of hostages and secret detention, the right to protection from arbitrary deprivation of liberty, the right to humane treatment, and full respect for the inherent dignity of the human person.

The provisions of International Humanitarian Law are applicable to all forms of disappearance in case of armed conflict, whichever side is responsible, including individuals whose families have lost contact with them as a result of war or institutional chaos engendered by an armed conflict. Mindful of “disappearance”, the Geneva Agreements and Additional Protocols do provide for the rights and duties relating mainly to the right to life, the prevention of torture, protection of individual liberty and the right to family life.

Under International Humanitarian Law, the obligations of states include the duty to conduct enquiries and investigations into cases of disappearance and communicate the findings to families. Pursuant to Articles 32, 33, 34 and 74 of Protocol I, the parties to the conflict are under the obligation to find the whereabouts of the persons declared disappeared, uncover the truth about their disappearance, provide relatives with information and facilitate the reunion of families dispersed as a result of an armed conflict. In addition, the parties to the conflict must offer support to humanitarian organizations engaged in this task by recording the relevant information and facilitating family reunions.

Although the Statute of the International Criminal Court also deals with the prohibition of enforced disappearance, it does not address disappearances in a comprehensive manner. In conformity with Article 7 of the Statute, enforced disappearances, i.e. cases of persons deprived of liberty with the intention of removing them from the protection of law for a prolonged period of time, are deemed crimes against humanity when such acts are committed in the context of a widespread and systematic assault on a civil population.

³ The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the American Convention on Human Rights, the African Charter on Human and Peoples’ Rights, and the Inter-American Convention on Forced Disappearance of Persons.

⁴ Comment No.29.

Finally, the jurisprudence of the Human Rights Committee, in addition to its continuous political efforts, led to the drawing up and the ratification of a special international convention concerned with protection against enforced disappearance. Under this convention, enforced disappearance is defined as “the deprivation of liberty in any form or for any reason whatsoever by persons or groups acting with the authorization, support or acquiescence of the State, followed by absence of information or refusal to acknowledge the deprivation of a person’s liberty, or refusal to offer information or concealment of the fate or whereabouts of a disappeared person” (Article 1 of the Convention). Article 4 of the said convention states a number of obligations on State parties. Among them are :

- No State shall practise, permit or tolerate enforced disappearance ;
- Each State shall conduct a prompt and speedy investigation into any complaint regarding enforced disappearance and shall inform the family of the disappeared of his fate or whereabouts ;
- Each State shall make enforced disappearance a crime punishable under the law ;
- Each State shall cooperate with the other States concerned and with the United Nations to prevent, investigate, punish and eradicate enforced disappearance ;
- Each State shall provide adequate and prompt compensation for the harm incurred by victims of enforced disappearance.

International Human Rights Law has been consolidated with a set of legally non-binding texts on a number of rights that are coming into existence in the form of general principles or directives, particularly the right to know the truth. These texts have helped to consolidate the search for truth about the grave violations committed during the previous period, a major objective in the experiences of truth and reconciliation commissions around the world.

A body of principles to combat impunity stipulate that “every people has the inalienable right to know the truth about past events involving the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations”.

Just as they confirm the right to truth, these principles establish a link between this right and the right to preserve memory, reaffirming that “a people’s knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State’s duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments”.

2. In National Legislation

One of the manifest deficiencies of the Moroccan legislation is that it fails to furnish the legal guarantees that might help to protect against the practice of enforced disappearance. This is despite the fact that some constitutional provisions still stipulate, albeit implicitly, the banning of such practices. In particular, this concerns the principle that no one shall be arrested, detained or punished except on such grounds and in accordance with such procedures as are stipulated by law⁵, and thus establishes the principle in the Penal Code and the Code of Penal Procedure.

Under the Moroccan Penal Code, are deemed crimes all acts prejudicial to the freedoms of persons, resulting from an arbitrary action and which are ordered or perpetrated by a magistrate, a public official or a public agent⁶. The Code does not, however, consider crimes acts carried out by public officials or public authority agents resulting in enforced disappearance where such acts are perpetrated during the discharge of their duties. The Code further deals, under the Section “Infringement of Personal Liberty as Committed by Ordinary Individuals”, with acts of abduction, arrest, confinement and detention carried out “without an order from the competent authorities and outside cases where the law permits or requires the apprehension of persons”. Depending on circumstances, such acts are punishable, where there is evidence that the victim has been subjected to torture⁷, by a penalty ranging between five years’ imprisonment and the death penalty. As long as they do not perpetrate acts infringing upon a person’s liberty “to serve their own interests or to satisfy their personal passions”, public officials are entitled to differential treatment. Where such conditions are not fully met, the abduction or detention of a person by a public agent is liable for legal action or punishment only under Article 225 as acts infringing upon personal liberty.

Such violation is punishable only by forfeiture of civic rights. Since the death penalty, life imprisonment, fixed term imprisonment and house arrest are basic punishments in criminal matters, convicted offenders may, in addition to being sentenced to such penalties, be interdicted from the exercise of all public functions for a period ranging between two and ten years (Article 26, Penal Code).

Although violations perpetrated by public officials assigned to the enforcement of the law and the protection of persons’ security are more serious than acts perpetrated by ordinary persons, public authority agents paradoxically benefit from a legal distinction made in terms of the penalties prescribed for the same crimes. A public official is exempted from the penalty if he can prove that he has acted “on an order from his superiors regarding matters within their jurisdiction, and concerning which obedience is due to them”.

⁵ Article 10, Moroccan Constitution.

⁶ Article 225, Moroccan Code of Penal Procedure.

⁷ Article 436 et seq, Moroccan Code of Penal Procedure.

Under the current legislation, an act of abduction followed by disappearance as perpetrated by an organ of the state is not, in principle, criminally liable for punishment and is dealt with only by forfeiture of civic rights, unless the perpetrator is the immediate superior. The same applies to refusal or neglect to take the necessary actions when a complaint is filed against an alleged arbitrary detention.

It should be noted in this respect that the concept of civil service has been interpreted to include, in its broader sense⁸, every person holding a public electoral mandate or a public office, even a temporary one.

In addition to the legal discrimination favouring public officials and agents both in terms of criminal liability for violations compounded with enforced disappearance and the penalty prescribed for such acts, cases of infringement upon personal liberty are not, in actual fact, punishable under the law. These limitations apart, Article 225 of the Penal Code is yet to be implemented ; for immediate perpetrators may not be denied exemption from punishment as long as they act on orders from their superiors.

II. Legal Protection from Arbitrary Detention

1. In International Law

Detention leads to deprivation of liberty. It becomes arbitrary whenever it is carried out outside the conditions and forms set forth under the law. International instruments include important provisions for the protection against arbitrary detention along with any other violation associated therewith.

Under the Universal Declaration of Human Rights, a link is established between arbitrary detention and a person's right to liberty and personal security (Article 3). According to the conclusions of the UN Working Group on Arbitrary Detention established in 1991, as enunciated in the Group's opinions on political trials, the detention of a person, even when based on a court decision, may be arbitrary if all conditions for a fair trial are not met.

The protection of the right to freedom from arbitrary detention has been consolidated under the provisions of the International Covenant on Civil and Political Rights. Article 9 of the Covenant lays down three basic guarantees :

- Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest ;

⁸ Article 424, Moroccan Code of Penal Procedure

- Anyone arrested or detained on a criminal charge shall be brought “promptly before a judge or other officer authorized by law to exercise judicial power” ;
- Pre-trial detention shall not be the general rule, but shall be an exceptional measure strictly warranted by the requirements of the judicial proceedings.

The fair trial guarantees mentioned in Articles 10 and 11 of the Universal Declaration of Human Rights are defined in clear terms in Articles 14 and 15 of the Covenant, particularly the following :

- Tribunals established by law shall be competent, independent and impartial ;
- Everyone charged with a criminal offence shall be presumed innocent ;
- The person accused shall be “informed promptly of the nature and cause of the charge against him” ;
- A person shall have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing ;
- A person shall have the right to legal assistance, to be informed of this right, and to have legal assistance assigned to him by the court, if need be ;
- A person shall have the right to examine, or to have examined, prosecution witnesses and to call in exculpatory witnesses for testimony ;
- A person shall not be compelled to testify against himself or confess guilt ;
- A person convicted of a crime shall have the right to review before a higher tribunal ;
- The principle of non-retroactivity of laws shall be complied with.

2. In National Legislation

Arbitrary detention, as discussed in implicit terms under Article 225 of the Moroccan Penal Code as a form of prejudice to a person’s liberty, is mentioned in a formal manner in Article 228 of the Penal Code. Under this Article, is liable for punishment any supervisor or warden in a prison or any other detention facility who “takes receipt of a detainee without proper documents justifying detention in conformity with Article 653 of the Code of Penal Procedure ; or who refuses to produce a detainee to the authorities or persons entitled to see him in conformity with the provisions of Articles 600 and 662 of the Code of Penal Procedure without showing any prohibition in this regard from the examining magistrate ; or who refuses to make his registers available to persons duly authorized to peruse such”.

The above-mentioned Article 653 further stipulates that the location and the conditions required for enforcing deprivation of liberty in cases of pre-trial detention or custodial

penalty shall be specified. This proviso, as further upheld under Article 228 of the Penal Code, no doubt constitutes in itself a partial legal guarantee, but it still falls short of the prerequisites for protection against arbitrary detention.

In this respect, it is worth noting that under Article 608 of the new Code of Penal Procedure, deprivation of liberty is subject to a decision by the judiciary, even though there is a reservation regarding those provisions relating to placement in police custody. The Article states, albeit in clearly implied terms, that deprivation of liberty outside the conditions previously referred to shall be deemed arbitrary.

In general, one could say that arbitrary detention is an act prejudicial to personal liberty carried out or ordered by “a magistrate, a public official or a public authority or law-enforcement officer or representative”. Under Article 225 of the afore-mentioned Penal Code, such act is deemed a crime punishable by forfeiture of civic rights. Article 227 further lays down the penalties against any law-enforcement official or officer in the administrative or judicial police who refuses or neglects to “comply with a request made for the purpose of substantiating any arbitrary or unlawful detention either in the premises or locations appointed for that or elsewhere and who does not prove that he has transmitted such request to the superior authority ...”.

It is of note, however, that under Article 267 of the Moroccan Penal Code of 1953, “anyone who arrests, confines or detains a person without an order from the public authorities and outside the cases where the law orders the imprisonment of the accused”⁹, shall be liable for punishment by a custodial sentence. This provision does not make any distinction among the perpetrators of such acts. Moreover, where perpetrators are public officials, they do not benefit from any exemption from punishment. It can be deduced from this that those who were assigned the drafting of the Law of 1962 deliberately incorporated this privilege, thus establishing discrimination in favour of public officials in terms of the penalties prescribed for the very same crimes.

III. Legal Protection against Torture and Ill-treatment

1. In International Law

The provisions of International Human Rights Law prohibit, under several international instruments, mainly the Universal Declaration of Human Rights (Article 5) and the International Covenant on Civil and Political Rights (Article 7), torture and cruel, inhuman or degrading treatment or punishment.

⁹ Dahir dated 24 October 1953, (Official Gazette, No. 2142 bis, dated 19 November 1953).

The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁰ was the first instrument to define the concept. Under the said Declaration “torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as extracting from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons” (Article 1). International protection from torture was further reinforced by the establishment of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which lays down the following obligations :

- Taking legislative, administrative, judicial or other measures to prevent acts of torture ;
- Ensuring that all acts of torture and attempts to commit torture are offences under the criminal law ;
- Keeping under systematic review interrogation rules, instructions, methods and practices as well as arrangements for placement in custody and treatment of persons subjected to any form of arrest, detention or imprisonment, with a view to preventing any case of torture ;
- Conducting a prompt investigation, wherever there is reasonable ground to believe that an act of torture has been committed ;
- Ensuring that any statement established to have been extracted under torture shall not be invoked as evidence.

2. In National Legislation

Under the Moroccan Penal Code in force during the period which falls within the Commission’s remit, torture is not defined or made an offence as such. It is mentioned only as an aggravating circumstance where it is applied in the course of the perpetration of an act deemed a crime (Article 399 referred to above) or during abduction or restraint (Article 439).

Legal proceedings for violence against persons, irrespective of the nature of such violence, may not be initiated on bases other than the provisions of the Penal Code regarding assault and battery carried out with intent and resulting in death. The penalty is, nevertheless, increased in case of death or lasting after-effects where the person who commits or orders the

¹⁰ UN General Assembly Resolution No. 3452 of 9 December 1975.

use of violence “without legitimate justification” is a magistrate, a public official or a public authority or law-enforcement officer or their representatives (Article 231, above-mentioned Penal Code). The nature of this “legitimate justification” is not, however, specified and could in principle be applied to violent resistance by the person concerned, even though such resistance is impossible so long as the person interrogated is defenceless before the investigators.

Torture as defined in international norms entails physical pain which differs in nature (according to the techniques and instruments used), in intensity (acuity of pain), and in duration from the pain resulting from assault and battery with intent. Pain resulting from torture may not therefore be compared to pain resulting from ordinary physical violence.

The Code of Penal Procedure had remained for a long period of time devoid of any provision governing medical examination of persons referred to the Public Prosecutor’s Office upon completion of the preliminary investigation. We had to wait for the Amendment of 1991 to see protective measures taken in this respect. Under the said amendment, the Crown Prosecutor is under the obligation to have the person concerned undergo a medical examination by a medical expert whenever requested to do so or if he notices visible marks of violence warranting such examination. The Crown Prosecutor shall inform the accused “that he has the right to appoint counsel immediately and counsel may attend the preliminary interrogation”. This constitutes a guarantee of transparent procedure that allows a detainee to emerge from a state of absolute isolation from the outside world and appear before a judge.

IV. Violation of the Right to Life as a Result of Excessive and Disproportionate Use of Public Force

“Basic Principles on the Use of Force and Firearms by Law Enforcement Officials” include, in particular, the following recommendations¹¹ :

- Using non-violent means before recourse to force ;
- Providing non-lethal incapacitating arms ready for use in appropriate situations ;
- Resorting to the use of force and firearms only in extreme cases where it is unavoidable, and acting in proportion to the seriousness of the offence and the legitimate objective to be achieved ;
- Ensuring that prompt assistance and medical aid is rendered to anyone in need of such assistance and aid.

¹¹ Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

V. The Mandate of the Equity and Reconciliation Commission

The statute of the Equity and Reconciliation Commission defines its mission as uncovering the truth about the gross violations of human rights committed in the past, including the facts about them, their contexts and the responsibility of those who participated in them.

The statute empowered it :

- To establish the type and degree of gravity of those violations, by analyzing them in the framework of the contexts in which they were committed and in the light of the standards and values of human rights, the principles of democracy and the rule of law. This was to be done by carrying out investigations, receiving communications, and perusing the official archives and obtaining any information and data made available by the bodies involved with the purpose of uncovering the truth ;
- To continue to do research regarding the cases of enforced disappearance whose fate is not yet known, and to make every effort to investigate facts that have not yet been brought to light, to discover the fate of those who have disappeared, and to find suitable solutions for those whose deaths are proved ;
- To reveal the degree of responsibility of state or other apparatuses for the violations and the events object of its investigations.

The Commission has been guided in interpreting its mandate and defining its mission in this regard by the developments that have occurred on the international level referred to above regarding standards, and also the lessons learned from the experience of the truth and reconciliation commissions during the settlement and management of the conflicts of the past in a peaceful manner that is appropriate to the nature of ongoing democratic transition.

Chapter Two

THE ENFORCED DISAPPEARANCE AND ARBITRARY DETENTION ISSUE

Moroccan history has been marked since independence in 1956 by episodes of enforced disappearance and arbitrary detention. In view of the diverse and complex cases associated with these grave human rights violations, it was only natural that a wide range of roles and approaches should be considered for the settlement of the issue both on the official and civil society levels.

1. The Role of the Government

Pointed questions have been asked over the last few years about the position and the role of the government as an executive and political authority and its involvement in the issue of enforced disappearance and arbitrary detention, especially as some of its departments, such as the Ministry of the Interior, the Ministry of Justice and the Ministry of Human Rights, were directly involved in the issue. One could say that previous governments had not attached to the subject the importance it deserved, until the opposition-led coalition government (or “alternance”) came to power and espoused a new vision that became manifest in the management style and policies adopted in handling cases pertaining to human rights issues.

We may also recall the initiative taken by the Prime Minister of this government shortly after his appointment when he established a small ministerial unit. Acting under his supervision and comprising the Minister of the Interior, the Minister of Justice and the Minister of Human Rights, the unit set out to monitor the legacy of the issue of enforced disappearance and arbitrary detention. However, the initiative was short-lived.

With regard to grave human rights violations, the government of consensual “alternance” managed to achieve the following :

- Closing the files of former political detainees and exiles through reinstatement and settlement of their financial situations ;
- Allocation of funds for the implementation of the arbitrational decisions issued by the Independent Arbitration Commission for Compensation.

With regard to the subject of resolving cases related to enforced disappearance submitted to the government by the UN Working Group, we can notice that there was inconsistency between the government’s positions and its actions. As a result, there were discrepancies in the information submitted to the Group on several cases.

Cooperation in all governmental issues of a crosscutting nature, which require intervention by a number of parties, hardly goes beyond offering mediation and good offices. Government departments are not impelled by any sense of urgency to cooperate or act in response to each other’s requests. As a result, correspondence and requests are left unheeded even when

the nation's common interests are at stake. Moreover, lack of structured interdepartmental cooperation, compounded by sluggish administrative procedures, often results in a lot of delay and failure to comply with deadlines.

This state of affairs proved detrimental to cooperation with the above UN Working Group. Cases on which the Moroccan authorities provided information from 1994 until 2004 did not exceed 152 cases, at a rate of 15 cases per annum, i.e. less than 1.26 cases per month. Throughout 1999, 2000 and 2001, no information was submitted to the Working Group.

2. The Role of the Advisory Council on Human Rights

With regard to the Moroccan experience, we can say that the attempt to achieve a comprehensive settlement of the enforced disappearance and arbitrary detention file began with the Advisory Council on Human Rights. For this reason the Commission considered, from the outset of its work, that it was necessary to assess its role and the way it handled this file insofar as it was the body entrusted by the highest constitutional and political authority in the country with the task of resolving it according to the principles of justice and equity.

Looking back upon the main stages of the Council's management of the issue, we note the following :

- The Council examined the subject of political detainees during its ninth meeting held on 12-14 and 19 July 1994, which was devoted to formulating the Royal Decision granting general amnesty ;
- It examined lists of persons detained in connection with cases regarded as being of a political character by national and international human rights organizations ;
- It examined the subject of the expatriated ;
- It acclaimed a decision taken by the Government to settle the issue of the disappeared persons under which survivors were released.

The Council's meeting came to the following conclusions :

- Only eleven detainees could be described as political prisoners under the definition laid down by the UN Human Rights Committee in its 1980 session. Nevertheless, the Council submitted a request for amnesty in favour of 413 detainees on the grounds that they, along with the above eleven detainees, were sentenced in the aftermath of unfortunate incidents ;
- The expatriated should include persons who chose voluntary expatriation but were not sentenced or pursued by justice as well as persons who evaded the law following a court sentence or legal action. The Council upheld the right of the first category as

an indisputable entitlement and requested amnesty in favour of the expatriated who were not sentenced or pursued by justice according to the same criteria adopted for detainees.

To complete its examination of the lists of detainees sentenced by a court, the Council once again requested, in its 12th meeting held on 20 April and 28 September 1998, an amnesty in favour of 28 more detainees. In connection with disappeared persons, however, the Council considered that the issue was about “persons who disappeared” and not “persons who were forcibly disappeared”, and that it involved “a limited number of persons and dates back a long way”. It is the Commission’s opinion that this constituted a false premise in view of the importance of the issue and the decision to deal with it, and in view of the attendant circumstances and historical contexts, as well as the requirements for achieving a just and equitable solution.

The Council proposed on 6 April 1994 the creation of a joint committee composed of members from the Ministry of the Interior, the Ministry of Justice, the Ministry of Human Rights and members from the Council to discuss the subject and submit recommendations. A restricted commission was then established for the purpose. It first of all drew up an initial list of 555 cases, which afterwards turned out to contain names mentioned more than once and names of persons who could have gone missing during war in the Sahara. Based on the Commission’s conclusions, an enlarged twelve-member commission was proposed to look into the subject, supported by a tripartite technical restricted committee made up of a president of a chamber of the Supreme Court and a representative of each of the Minister of Justice and the Minister of the Interior. Upon review of the restricted commission’s proceedings and approval of its report by the 12-member committee, the Council issued in its 12th meeting a memorandum, containing an initial list, where it holds that :

- The subject pertains to “what has been termed Disappeared Persons” ;
- Cases of disappearance (and not enforced disappearance) to which international criteria are applicable total 112 ;
- These cases include the following categories :
 - 56 deceased persons, including one foreign national ;
 - 12 survivors residing in Morocco and abroad, including one foreign national who has returned to his country of origin ;
 - 44 persons whose fate or identity is unknown (18 disappeared in mysterious circumstances, 13 were not involved in any political or trade union activity, 7 were unidentified, and there is strong circumstantial evidence in support of the decease of 6 others).

These conclusions met with strong objections from human rights organizations and former victims. They, nevertheless, led to the creation of a new atmosphere marked by the emergence of fresh perspectives such as, in particular, a stauncher belief in the urgency of a comprehensive and just settlement of the issue of grave human rights violations in our country.

The Council proposed the principle of financial compensation in favour of victims, as well as the establishment of an independent arbitration body to be charged with determining the compensation due to victims or rightful claimants through a recommendation submitted to His Majesty the King.

3. The Role of Parliament in Uncovering Facts about Civil Disturbances

In the wake of the disturbances which took place in some cities and villages during December 1990, Parliament resolved that a fact-finding commission should be set up, and, pursuant to a Royal Letter dated 28 December 1990, it managed indeed to activate the fact-finding mechanism.

The commission traced back the disturbances to the following causes :

- Internal factors, mainly the fact that dialogue between social partners failed to yield concrete results which could have helped create an atmosphere of mutual trust ;
- As a common denominator, demonstrators in both Fez and Tangier came from neighbourhoods lacking basic facilities. Due to the apathy and indifference of the competent authorities, the problem was not properly addressed and was left to fester ;
- Tension and discontent characterized relations between local authorities and citizens ;
- A failure to take adequate security measures.

The commission noted that reports and information disclosed by responsible sources about victims of these disturbances did not correspond with the commission's conclusions. The commission further formulated a number of proposals revolving around the following issues :

- Prompt action should be taken to solve housing problems ;
- Measures should be taken to determine responsibilities for violations and abuse of power ;
- Development of the cities of Fez and Tangier should be prioritized ;
- The policy of concentrating university facilities in one place should be reviewed ;

- A critical appraisal should be made of the media handling of the incidents ;
- The necessary measures should be taken to assist the persons harmed ;
- Security forces should be provided with the equipment they need.

The commission further submitted one sole request to His Majesty the King for an amnesty in favour of convicted persons with no criminal records, in view of the charged atmosphere in which trials were conducted, and the haste with which cases, where a great number of accused persons were roped in, were settled.

4. The Role of Civil Society

Since its establishment in 1962 and throughout its history, the Moroccan Bar Association has been engaged -via congresses, debates and seminars- in human rights issues, in terms of the prevailing atmosphere and relevant legal guarantees. It has also continuously monitored human rights violations, conducting regular analysis and submitting proposals.

The twenty-five congresses held by the Association over a period of more than forty-three years provided openings for a stalwart defence of an independent judiciary, respect for personal rights and the guarantee of human rights.

The Association opposed the amendments to the Code of Penal Procedure of 1962 and in its 11th congress condemned the widespread practice of “abduction”. In its 14th congress, the Association further considered the amendments to the Dahir regarding public liberties and the amendments to criminal procedure a flagrant proof of the deterioration that had wreaked havoc on the acquired rights of the Moroccan people and an outright violation of all guarantees of public and personal liberties, and called for the ratification of all international human rights conventions and agreements. In its 17th congress, the Association called for all legislation curbing guarantees of public liberties to be reviewed and brought into conformity with international declarations, covenants and conventions.

In its 19th congress, the Association further called for the abrogation of the Dahir of 29 June 1935 and 26 June 1939 and all laws curbing the exercise of political, trade union and cultural liberties, as well as calling for the release of all political and trade union detainees, for all expatriated persons to be allowed to return to the homeland and for persons dismissed from work to be reassigned to their jobs. The Association reaffirmed these pleas in its 21st and 23rd congresses and in all subsequent congresses.

The Association organized a national symposium on human rights in December 1987. Breaking new ground, it presented on 10 December 1990, jointly with other organizations, the National Human Rights Charter, the first Moroccan charter on the subject.

Since the mid 1970s, the human rights scene has witnessed the emergence of a growing movement led by families and relatives of political detainees. Spearheaded by detainees' mothers and spouses, the movement developed various forms of coordination :

In the first stage, extending from the mid 1970s to the late 1980s, families of political detainees and disappeared persons whose fate was unknown were brought under the spotlight ;

In the second stage, extending throughout the 1990s, the sphere of coordination expanded to include families of political detainees, families of the disappeared persons whose fate was unknown and Tazmamart survivors and casualties ;

As from 2000, victims' relatives and groups of released detainees organized themselves into a coordination committee for families of the disappeared, persons whose fate was unknown and victims of enforced disappearance.

To an extent that varied according to the level of development, the human rights movement in Morocco constituted a staunch moral support and a petitionary force in the direction of a just settlement of past grave human rights violations.

The premises and performance that characterized the work of human rights associations regarding the settlement of past human rights violations could be read in terms of three main stages :

The First Stage, extending from the early 1990s, when victims of enforced disappearance still in detention were released, until 2 April 1998, when the Advisory Council on Human Rights issued its memorandum on the occasion of its 12th meeting ;

The Second Stage, beginning as a reaction to the contents of the memorandum issued by the Advisory Council on Human Rights, and extending until the date when the National Symposium on Past Gross Human Rights Violations was held during 9-11 November 2001 ;

The Third Stage, beginning with the submission by the Advisory Council on Human Rights of its recommendation to His Majesty King Mohamed VI regarding the establishment of a commission on equity and reconciliation.

Throughout the previous stages, individual and group positions held by human rights associations and organizations varied in terms of ways of thinking, monitoring and establishing standards, and the way they interact with political developments and the question of reform.

a. Up until 1998, the Moroccan Association for Human Rights (A.M.D.H.) claimed that, despite the lapse of over four decades since Independence, and notwithstanding frequent claims that they are respecting human rights, as evidenced by the release of some victims of disappearance, nevertheless :

- Enforced disappearance and exile are still being practised to varying degrees, and the most that one could contend is that cases of such violations have dropped ;
- The State has not yet assumed its responsibility to close the file, take legal action against offenders and compensate victims ;
- Domestic legislation still does not meet the standards established under international conventions.

b. The Moroccan Organization for Human Rights (O.M.D.H) issued a preliminary list of disappeared persons and recorded testimonies by victims of enforced disappearance released from Tazmamart and Kelaât M’Gouna detention centres and, at the same time, founded its positions on a petitioning policy formulated on several occasions.

Up until 1998, the O.M.D.H. called for dialogue to settle all cases of human rights violations, expressing willingness to help in finding a final, just solution.

Upon being informed of the fate of all victims of enforced disappearance, the O.M.D.H proposed the establishment of a joint committee, comprising members from the Advisory Council on Human Rights, the ministries of Justice and Human Rights, as well as members of human rights associations, to determine the financial compensation due by contacting representatives of the persons concerned, with the objective of closing the file once and for all¹². In a communiqué issued at the close of its national congress held on 25 November 1999, the O.M.D.H called for the adoption of a new approach to solving the dilemma of enforced disappearance and for the establishment of an independent body.

c. In its approach, the Moroccan League for the Defence of Human Rights (L.M.D.D.H.) stressed the need to :

- Activate the Advisory Council on Human Rights mechanism ;
- Clarify all aspects of disappearance, reassure families and relatives of the disappeared persons, issue death certificates and hand over remains of the deceased, make reparation and pay compensation to survivors and families of the deceased.

d. For its part, the Human Rights Defence Committee (C.D.D.H.) on many occasions stated its own approach to the issue through :

- Registering its concern about the Advisory Council’s methodology and arguing that the issue of disappearance should be entrusted to an unbiased independent body ;
- Calling for an impartial investigation and the arrest and prosecution of offenders ;

¹² Memo relating to the urgent calls for the protection of human rights, handed to the Prime Minister on 31 July 1998 and published under a communiqué issued by A.M.D.H on 14 September 1998.

- Ensuring reinstatement and compensation for victims in an equitable manner ;
- In keeping with this approach, the Defence Commission remained optimistic that a just and comprehensive settlement of the issue would be reached.

e. The Moroccan Forum for Truth and Justice (F.M.V.J.) constitutes a qualitative addition in the process of mobilizing civil society in support of a just settlement of the file of past gross human rights violations. The new assembly's preparatory committee went to the heart of the matter when it linked the challenge of settling the file to the ongoing changes taking place in the country and the political interests involved, by formulating the constituent elements of the problem in terms of the following :

- How can we break with the past without leafing through its pages and drawing lessons from it?
- How can we release the frustrations resulting from oppression and human rights violations that are pent up in victims and society as a whole?
- How can we immunize the country and keep future generations safe from the causes and effects of such oppression and violations?
- How can we strike the necessary ethical and human balance between public recognition of the responsibility of the State and State officials for the arbitrary acts perpetrated and the persecution, humiliation, stripping of dignity and soiling of reputation, violation of physical and mental integrity, deprivation of family ties and opportunities to lead a normal life, as suffered by thousands of victims, on the one hand, and political compromises and settlements aiming at reconciliation and democratic transition, on the other?
- The Forum drafted in March 2001 its Declaration "For Truth and Equity", based upon a central argument revolving around "Recognizing the State's responsibility, establishing the truth about grave human rights violations, calling for those responsible to be held accountable, making reparation for the victims and safeguarding individuals and society from State human rights crimes".

f. The contribution of human rights associations based abroad

Moroccan resident associations, particularly in Europe, played a major role in publicizing the human rights situation in Morocco by rallying civil society abroad in solidarity with victims of grave human rights violations in our country and in support of victims and families as well as of human rights organizations.

We recall in this respect the prominent role played by Moroccan workers associations in France, Belgium, the Netherlands, Germany and Spain alongside the Association of

Relatives and Friends of Persons Whose Fate is Unknown and Morocco-based human rights associations, sensitizing political actors and local and international law associations to call for the clarification of the fate of disappeared persons and the release of political detainees in Morocco.

These associations further organized demonstrations, held colloquia, issued reports on the human rights situation, established contact with the United Nations, the European Parliament and local and regional organizations, encouraging them to send delegates to attend political trials and conduct fieldwork research into enforced disappearance and arbitrary detention.

Human rights activities like those conducted by these associations abroad had some positive bearing on the release of a number of political detainees and constituted a major factor in the momentum achieved in progress towards a better human rights situation.

The majority of victims of forced exile benefited from the Royal amnesty decreed in 1994.

g. The National Symposium on Grave Human Rights Violations was held on 9-11 November 2001 in Rabat, on the initiative of the Moroccan Association for Human Rights, the Moroccan Forum for Truth and Justice and the Moroccan Organization for Human Rights. The Symposium reviewed with grave concern the official management of the pending files and the evasiveness in responding to the pleas of the Moroccan human rights movement regarding the following :

- Uncovering the truth ;
- Making reparation and paying financial compensation to victims, reinstating victims and society and preserving the memory ;
- Taking further actions towards bringing domestic laws into conformity with international conventions ;
- Effecting political, constitutional and institutional reforms.

The Symposium recommended the establishment of a national independent commission to be vested with such powers and duties as to achieve the above objectives.

Chapter Three

METHODS OF WORK AND MEANS OF ENQUIRY AND INVESTIGATION

In its investigations concerning the gross violations of human rights, the Commission adopted an approach based on the involvement of all those having an interest in this matter, and especially former victims or their families. The Commission's methods depended on the following basic elements :

- Gathering and analyzing data obtained from different sources ;
- Receiving communications from former victims ;
- Receiving communications from former or current public officers ;
- Perusing registers and documents kept by the public authorities ;
- Undertaking in situ visits (detention centres, places of burial etc.) ;
- Communicating directly with security officials.

The Commission undertook a procedural definition of the fields of its investigations concerning cases of persons whose fates were unknown that had been submitted to it, in the following manner :

- Investigating cases of disappearance and deaths that happened during the first years of independence ;
- Investigating cases of victims who died in arbitrary detention centres or as a result of physical elimination ;
- Investigating the civil disturbances that Morocco experienced from the sixties ;
- Investigating special cases of violations.

It also adopted the following procedural stages :

1. The Data Collection Stage

Before beginning to investigate the file of persons of unknown fate, the Commission listed all sources of information, which enabled it to prepare reference lists by depending on :

- Reports of national non-governmental organizations involved with human rights ;
- Reports and memoranda of the Advisory Council on Human Rights ;
- Rulings issued by the former Arbitration Commission and the relevant files ;
- Reports and rulings of international bodies and organizations involved in human rights that were relevant to the subject ;
- Reports of the UN Work Group on Enforced Disappearance ;

- Reports of the International Committee of the Red Cross ;
- The archive of the former Ministry of Human Rights ;
- Information coming from official sources ;
- Rulings and reports prepared by former victims or the families of victims ;
- Communications received by the Commission while undertaking in situ visits ;
- The Commission’s data bank to obtain information available in files and memoranda submitted to it.

2. The Preliminary Analysis Phase

The Commission analyzed the data available in the above-mentioned sources. The results of this preliminary analysis enabled it to establish the fact that the matter not only related to assumed cases of persons who were victims of enforced disappearance in accordance with the provisions of the statute of the Commission, but also, generally, with cases of persons whose fate was unknown for many and varied reasons. This made it possible to categorize all cases subject of analysis as follows :

- Cases of persons concerning whom there was evidence that they had died in detention centres ;
- Cases of persons concerning whom there was strong circumstantial evidence that they had died as a result of various incidents, or in special circumstances ;
- Cases of persons who had gone missing or who had disappeared in various incidents or in special circumstances ;
- Cases of persons concerning whom there are sufficient clues to describe the facts regarding them. On this basis they could be classified as cases of assumed enforced disappearance in accordance with the provisions of the statute of the Commission and the relevant international standards.

For procedural reasons, the Commission classified the files they depended on regarding these cases as follows :

- Cases of persons of unknown fate that occurred in the first years after independence ;
- Cases of persons of unknown fate that occurred in the 1960s ;
- Cases of persons of unknown fate that occurred in the 1970s ;
- Cases of persons of unknown fate that occurred in the 1980s ;

- Cases of persons of unknown fate that occurred in the 1990s ;
- Cases where information available to the Commission indicates that they died in different places.

3. Reception of Communications from Families and Former Victims

The Commission was careful to undertake visits to the families of persons of unknown fate or to receive them in its headquarters in order to listen to them, to determine their demands, and to explain the Commission's approach and the method adopted to settle this file. It also held closed hearings of witnesses who had spent periods in the company of victims whose fate had not been determined.

4. Gathering Data from Other Sources

In this connection the Commission perused the hospital registers that were available, mortuary registers belonging to local health offices and those kept by cemetery custodians. It also benefitted from data available concerning a number of cases held by associational actors. In addition, it undertook in situ investigations.

5. Compiling a File and a Reference Card for Each Case of Unknown Fate

The Commission then proceeded to compile a record file and a reference card of each case, with the aim of ensuring a strict tract keeping procedure and in preparation for submitting them to the authorities (the Ministry of the Interior, the Gendarmerie, the army, and the Directorate of Surveillance of the National Territory, etc.).

6. Handing over Lists of Cases of Unknown Fate to the Public Authorities

On the basis of the evidence available, the Commission submitted a list of cases of unknown fate first jointly to all the apparatuses involved and then to each one individually on the basis of the evidence gathered concerning the responsibility of these apparatuses for each case. Following this came the phase of receiving responses, and cross-checking between the authorities' data and those of the Commission, in order to form a definite opinion, to harmonize the cases, and to formulate recommendations.

7. Investigating the Disappearances and Deaths that Occurred shortly after Independence

In this connection, the Commission depended upon :

- Gathering data and written testimonies ;
- Preparing reports and conducting studies and research ;
- Hearing testimony from former members of the Army of Liberation and Resistance who lived through this period ;
- Hearing individuals who had previously held responsibility in places known as places of detention ;
- Hearing former victims ;
- Hearing the families or friends of victims who died in detention ;
- Proceeding to places of detention or actual or assumed places of burial ;
- Writing reports and forming opinions.

8. Investigating Cases of Victims who Died in Illegal Detention Centres

Since the very beginning, the Commission was concerned about the file of detained persons who had met their end while being restrained in illegal detention centres since the beginning of the 1960s. In this connection, the Commission set itself the mission of uncovering the truth about the contexts and circumstances of the detention and treatment of victims of enforced disappearance in these centres and discovering the places of burial of those who died, then establishing the identity of the occupant of each individual grave.

The Commission embarked on this subject from the assumption of the responsibility of the state and the officials entrusted with enforcing the laws or the individuals who worked in an official capacity in the field of protecting the freedoms of individuals and groups and guaranteeing that their basic rights would not be violated, chief among which is their right to life. In doing this, it distinguished these cases from those that occurred during civil disturbances.

The Commission sought to uncover the truth and discover the contexts and the circumstances of the detention and treatment of individuals who died in detention centres, considering them as assumed victims of enforced disappearance, and to determine their places of burial.

In brief, we can say that in its efforts to discover the circumstances of detention and death, and to determine the places of burial, the Commission adopted methods of work combining receiving oral communications from numerous sources, perusing written documents and lists, and cross-checking the different sources for all the information and communications available, in addition to in situ examinations.

After a preliminary determination of the contexts within which those victims were detained, the Commission devoted itself to collecting the data available in the lists prepared by the survivors. Then it proceeded to hear direct testimony from those detained and also heard the testimonies of former or current officials involved. The Commission perused documents and registers kept by the local authorities and also undertook in situ investigations for direct examination. Details of the investigations will be presented later.

To facilitate the study of cases of the individuals concerning whom dependable facts indicate that they died in detention centres, the Commission adopted, for procedural and practical exigencies, a categorization based on the circumstances and elements shared by each group.

8.1. The Preparatory Steps

Gathering elements found in common behaviour, and extracting data included in the requests presented to the Commission.

8.2. Receiving the Communications of Families, Former Victims and Local Residents

In closed sessions, the Commission proceeded to hear the families of victims, and witnesses who had spent periods in the company of victims who had been declared to have died in illegal detention centres or before that in other centres. It also depended on the statements of local residents.

8.3. Receiving Communications from Former or Present Public Officials

There was cooperation with the central and local authorities attached to the Ministry of the Interior to draw up lists of public officials who had previously worked in the ranks of the security apparatuses that had supervised former centres that had become well known as places where grave violations occurred, or had previously worked under their supervision. These were heard in closed sessions so that their communications could be received concerning the events that they had lived through.

8.4. Perusing the Registers and Documents Kept by the Authorities

The Commission perused registers and documents held by local public authorities, and the latter submitted clarifications concerning the places of burial subject of investigation, especially concerning the dates of their deaths.

8.5. Proceeding to the Locus in quo and Establishing the Places of Burial

The places of burial of the persons who died in those centres were examined in order to establish the graves and the identities of their occupants. This was done either individually by the Commission or in the presence of the local authorities or the offices attached to them, and eye witnesses who had participated in the burials. The Commission also made use of in situ investigations in the presence of the authorities and witnesses, in order to establish whether or not there was a grave, especially in places where there were no clear markers.

8.6. Deliberating and Forming an Opinion

In cases submitted to the Commission, deliberations were carried out through meetings of the investigation group or the committee for coordination between the groups. Then they were submitted to the meetings of the Commission, when the decision was taken concerning the announcement of the results from them, after informing the families.

9. Investigations into Deaths Occurring during Civil Disturbances as a result of the Disproportionate Use of Public Force

In contrast to the methods of enquiry and investigation with regard to persons who died in detention centres, and in view of the large number of assumed locations with regard to deaths resulting from the excessive and disproportionate use of public force while confronting some civil disturbances, the Commission gathered the largest possible amount of information about the disturbances that the country experienced and which happened in 1965 and 1981 in Casablanca, in 1984 in some cities of the north, and in 1990 in Fez.

When it began to deal with the subject, the Commission faced a problem of lack of information, which led it to conduct studies and research depending upon all the sources of information available. After that, it began to receive communications from some witnesses who were contemporaries of these events and from the rightful claimants of some of the victims.

9.1. The 1965 Disturbances in Casablanca

The methods of investigation into this subject depended upon the following elements :

- Holding preparatory meetings with the local authorities in the city ;
- Perusing information recorded in :
 - The register of the mortuary office ;
 - The registers of the emergency department and the reception desk in the Ibn Rushd Hospital ;
 - The register of the forensic medicine department attached to the Ibn Rushd Hospital ;
 - The registers of the emergency department and the reception desk in the Soufi Hospital (now Moulay Youssef) ;
 - The burial register in the Chouhada Cemetery (Cemetery of the Martyrs).
- Hearing the testimony of a doctor who had worked in the Ibn Rushd emergency department during the disturbances ;
- Hearing the person entrusted with digging the graves in the Chouhada Cemetery ;
- Examining the graves in the Chouhada Cemetery ;
- Asking the state prosecutor about burial permits issued by the public prosecutor's office during the disturbances.

9.2. The 1981 Disturbances in Casablanca

The methods of investigation into this subject depended upon the following elements :

- Holding preparatory meetings with the local authorities in the city ;
- Perusing information in registers belonging to the mortuary office, hospitals and emergency departments ;
- Proceeding to the cemeteries and hearing from their custodians ;
- Examining detention centres used during the disturbances (in the former Municipal Arrondissement 46, the auxiliary forces barracks at Ain Harrouda) ;
- Hearing witnesses ;
- Hearing medical personnel who were in charge at that time ;
- Hearing the former mortuary superintendent ;

- Hearing former and current civil defence officials ;
- Investigating whether or not a decision was issued by the public prosecutor's office concerning burial after the disturbances.

9.3. The 1984 Disturbances in Cities of the North

The methods of investigation depended on :

- Undertaking a number of in situ visits to each of the cities involved ;
- Direct examination of the places that witnessed these disturbances ;
- Hearing a number of rightful claimants of the deceased persons ;
- Hearing the representatives of the local authorities ;
- Hearing those who supervised the burial operations at the cemeteries ;
- Hearing some medical personnel working or retired in the regions involved ;
- Perusing, at the locus in quo, the registers relating to the deaths ;
- Perusing, at the locus in quo, the family status registers and the registers at the local health authorities, and perusing the registers of deaths held by them ;
- Hearing eye witnesses ;
- Holding work sessions with elected officials ;
- Visiting the assumed graves ;
- Hearing the families of the deceased, including those who had not approached the Commission.

9.4. The 1990 Disturbances in Fez

The methods of investigation depended on :

- Undertaking a number of in situ visits to each of the cities involved ;
- Direct examination of the places that witnessed these disturbances ;
- Hearing a number of rightful claimants of the deceased persons ;
- Hearing the representatives of the local authorities ;
- Hearing those who supervised the burial operations at the cemeteries ;
- Hearing some medical personnel working or retired in the regions involved ;

- Perusing, at the locus in quo, the registers relating to the deaths ;
- Perusing, at the locus in quo, the family status registers and the registers at the local health authorities, and perusing the registers of deaths held by them ;
- Hearing eye witnesses ;
- Holding work sessions with elected officials ;
- Visiting the assumed graves ;
- Hearing the families of the deceased, including those who had not approached the Commission.

10. Investigations into Special Cases and Issues

The investigations carried out into this subject depended on the method of combining receiving communications from different sources involved with the issues on the one hand, and on the other hand studying the memoranda it had received. In addition, they included hearing former officials and public agents in the apparatuses involved in these cases, and also analyzing the information and the data circulating about each case individually.

Chapter Four

FINDINGS AND CONCLUSIONS OF INVESTIGATIONS INTO PERSONS WHOSE FATE IS UNKNOWN AND SPECIAL CASES

I. Disappearances and Deaths during the First Years of Independence

1. Introduction

Immediately after the declaration of independence on 18 November 1955, a struggle broke out between the various factions that went through various phases and was characterized by violence, which gave rise to grave human rights violations. These violations targeted political actors with different affiliations and with varying degrees of responsibility in the State. These violations took the form of abduction and detention in secret centres, torture, and gunning people down on the public street or torturing them to death in detention centres. The main factions and groups involved in the struggle were the Army of Liberation and Resistance with its different groupings, including the “Secret Organization” and the “Black Crescent”, the Istiqlal Party (PI) and the Democratic and Independence Party (PDI).

While it really falls to historians to study the period, data obtained by the Equity and Reconciliation Commission in the course of its attempt to describe the contexts in which the above-mentioned violations were perpetrated suggest that this tension and conflict can be traced back to differences about the meaning, content, and extent of independence, and conflicting views about national unity, the handling of the decolonization of the Moroccan border cities and regions still under foreign domination, and the construction of a modern nation state.

It appears, according to the petitions submitted to the Commission and memoirs and books written on the period, few as they are and consisting mainly of testimonies of a personal nature, partisan writings or peremptory discourses, that most victims in this period belonged to the PDI and other opposition groups and secret armed factions known for their opposition to the Aix-Les-Bains Accords. Some of these factions maintained that Morocco’s independence and that of the rest of the Maghreb were two closely interconnected processes. They further deemed the immediate liberation of the parts still under foreign domination in the Sahara regions to be a priority. For this reason, perhaps, these factions refused to be absorbed by other factions known for their strong ties to the various currents in the PI and the centre of decision-making in the nascent Moroccan State.

The struggle rapidly grew increasingly bloody and on 23 January 1956, i.e. two months and a few days after the Declaration of Independence, fierce confrontations between members of the PI and the PDI took place in Arbaa Al-Gharb, resulting in the death of four persons and the injury of thirty more from various age groups. More tragic incidents were to follow in Larache, where victims were tortured and hanged, and their corpses mutilated. Soon a wave of abductions and physical eliminations got underway, claiming dozens of victims.

Against the same background, tensions and rebellions erupted also in rural areas as a reaction to what were then considered as policies of marginalization at the hands of the new central authority. The most remarkable of these disturbances took place in the summer of 1956 and early 1957, under Addi Ou Bihi, Governor of Tafilalt Province. There was further escalation of tension following the celebration of the Liberation Army's third anniversary on 2 October 1958, the transfer from Fez to Ajdir of the mortal remains of Abbas Messaadi, who was the victim of an assassination plot masterminded by partisan individuals and groups, and the detention of the leaders of the Popular Movement Party (MP). Protest movements and disturbances then erupted in a number of rural and tribal areas (in Zemmour, Beni Ouarayne, Temsamane, Beni Iznassen, the entire Rif region, and Taza) and also spread to Casablanca. For three months the country was on the brink of civil war. Faced with this situation, the State resorted to force in the troubled areas. This inevitably led to the perpetration of violations, including the use of excessive violence and deprivation of liberty, as was the case, for example, during the Oulmes and Rif disturbances. Resorting to more peaceful means, the State also set up dialogue and fact-finding commissions. But as tension persisted, particularly in the Rif region, the option of use of force prevailed. The Armed Forces then intervened and put an end to the conflict and restored law and order. However, the Army's intervention led to grave violations which resulted in considerable harm and infringed upon the basic rights and liberties of individuals and groups in the region. The Commission took cognizance of most cases of such violations through the testimonies it heard and the petitions it dealt with. Public policies adopted since then in administrative, economic and cultural matters only served to deepen the feelings of marginalization and exclusion as experienced by the local population.

There was a growing movement during the first four years following Independence to make use of a multitude of secret detention centres. Even residential buildings and Resistance Movement training premises across the country were converted into detention, torture and elimination zones.

Among the centres visited by the Commission, were Dar Jenan Bricha and Dar Raissouni in Tetouan, Dar Slecher in Ghafsai, Bouizakarene south of Tiznit, and Tafnidilt north of Tantan. The Seventh Arrondissement (Septième) in Casablanca and a farm in Marrakech region were also mentioned in many testimonies. The Commission received seventy petitions from rightful claimants stating that their relatives had been abducted or assassinated on the street. These violations were perpetrated in the cities of Fez, Larache, Tetouan, Ksar El-Kebir, Guelmim, Taza, Casablanca, Berkane, Oujda, Ouarzazate, Settat, Marrakech, Khemisset, and Taounate.

Even after hearing dozens of witnesses, the Commission was not able to locate the victims' places of burial. It nonetheless sees it as a part of its responsibility to examine the nature of these violations and their impact on the victims.

The Commission considers the various centres mentioned above as unlawful detention centres and there is not the slightest doubt that the acts committed there constitute grave violations of human rights. It is, in fact, well established that a great number of citizens were victims of abduction, detention, torture and assassination either because they were affiliated to a political group (principally the PDI) or a Resistance Movement group, or because they were considered traitors and collaborators in the pay of the colonial authorities.

In view of the nature of its role, it is the State's responsibility to guarantee right to security of person, the protection of property and the right to life.

2. Detention Centres

2.1. The Dar Bricha Centre

Situated south of Tetouan in M'hannech II district and adjacent to a sugar factory, Dar Jnan Bricha stands in the middle of an orchard belonging to Mr. Bricha, the original owner of the house. It is a two-storey house with a cellar, overlooking the well-known M'hannech River.

According to information obtained by the Commission, some of the persons who were held in the house were pursuing teaching careers or were engaged in writing, or were involved in intellectual, political, cultural or religious activities. Others were either members of the Resistance Movement or members of the Moroccan Communist Party, the Democratic and Independence Party (PDI), the Free Independents Party or the Black Crescent. Others were ordinary citizens with no definite political affiliation.

Most of the persons held in the house had taken part in the struggle for the country's independence. Some had even been sentenced to death while the country was under colonial rule. These persons were abducted, tortured and executed and their fate remained unknown. They originally came from Tangier, Casablanca, Tetouan, Ksar El-Kebir, Larache, Asilah, Salé, Mohammedia and elsewhere.

According to testimonies given to the Commission by eyewitnesses, former officials in organs of the State and former members of the Resistance Movement and Liberation Army, several detainees were subjected to torture and ill-treatment.

The investigations conducted did not result in locating the burial places of the persons who died as a result of torture and ill-treatment. The Commission was not able to confirm whether the mortal remains of the deceased were buried in Dar Bricha or in another house used for the same purpose, known as Dar Raissouni.

2.2. The Ghafsai Centre

Upon receipt of information from his family alleging that some time during 1956 Abdeslam Taud was being held, along with Brahim El-Ouazzani and a third person named Barrada, in the town of Ghafsai, the Commission conducted a series of in situ investigations in the town. According to new data made available, the hypothesis that some of the Dar Bricha detainees might have been transferred to Ghafsai in the Province of Taounate, north of Fez, for detention and eventual execution, is by no means a new one. Indeed, it goes back to the late 1950s but no investigation had been conducted to confirm it.

In his testimony, El Mustapha El Amrani, a former Dar Bricha detainee, stated that he remembered how detainees were transferred in small groups of two or three to various locations in the Rif region to be liquidated. This same witness said that when he was released he left Abdeslam Taud and Ibrahim El-Ouazzani behind in Dar Raissouni in Tetouan, which is another detention centre near Dar Bricha, along with a group of 38 to 40 other detainees.

In order to uncover the truth about this subject, the Commission conducted several visits to Ghafsai and heard testimonies by local residents who had worked in the centre referred to previously. The Commission discovered the alleged detention centre, locally known as Dar Slicher. It is a medium-size building attached to the Ministry of Agriculture but served under the French Protectorate as a communal Agricultural Bureau and was lived in by a Frenchman. The Liberation Army used the building as a headquarters when the town Ghafsai came under its control on the eve of 1 January 1956. The building remained under the Liberation Army's control for the duration of the alleged detention. The first floor was used as a detention facility for those considered to have collaborated with the colonial authorities.

A number of communications concur in the affirmation that several victims, including members of the PDI, were eliminated in the said centre and buried either close to the building or near the cemetery, in Ghafsai cemetery nearby, in Oued Errha on the outskirts of Ghafsai, or in Oued Oudka, a kind of mountain which used to be a Liberation Army centre. Investigations conducted by the Commission could not, however, confirm this information.

2.3. The Seventh Arrondissement (Septième)

The police station known as Septième (Seventh Arrondissement) is situated in the Derb Baladia District in Casablanca.

Testimonies by former members of the Armed Resistance Movement who served immediately after independence in the station as members of the police corps yielded information that it was used as a temporary police headquarters, as the central headquarters in Maarif District was under French control. This station admitted the first batches of hopefuls wishing to

join the police. Most applicants belonged to the generation of young men who took part in the Resistance Movement shortly before Independence. In the station's early days, some influential members were not policemen in the strict sense of the word, i.e. as far as salaries and ranks were concerned, but were mostly Resistance Movement leaders. As such, they continued to enjoy moral authority in this nascent apparatus. It appears that in the aftermath of the disputes which erupted immediately after Independence the station became an instrument in this conflict, and political opponents from the PDI and the Resistance Movement groups paid the price.

2.4. The Bouizakaren Centre

Bouizakaren is situated about 70 km south of Tiznit. According to testimonies and information in the files submitted to the Commission, the Bouizakaren barracks were used by the Liberation Army in the south immediately after Independence. This is corroborated by many writings and testimonies published in connection with the Liberation Army's operations in the south. Witnesses stated in their testimonies that Resistance Movement members from Casablanca were held in the centre during the summer of 1957, and that seven persons from the north of the country were also detained and tortured there.

Accompanied by the nephew of a victim whose fate was unknown, the Commission proceeded to the site to inspect the centre. It found the ruins of the detention cells and the witness was able to recognize the place, having in the past paid a visit to his grandfather who had been held in the centre for a fixed period of time and subjected to hard labour.

2.5. The Tafnidilt Centre

The Tafnidilt barracks is situated on the Daraa River, approximately 20 km north of the town of Tantan. Strategically located on a hill, the barracks commands a view of the surrounding areas. It was constructed under French colonial rule and the Liberation Army took it over after independence.

Based upon information made available, the Commission proceeded to the barracks, which was now dilapidated. When there, it inspected evidence that the barracks had been used at a previous time or times as a detention centre (cells, and chains still hanging from the walls).

The Commission heard eyewitnesses who held positions in the Liberation Army in the south during the period from 1956 to 1960. Their testimonies corroborated the Commission's preliminary conclusions, that the barracks had been used by the Liberation Army as a centre for the detention and summary execution of persons considered traitors, and that burial used to take place near the barracks.

The barracks was operational at the time of independence, and the Liberation Army's expedition to the south. According to other testimonies concerning the same period, many violations and clashes took place when the Liberation Army was stationed in the nearby Guelmim area. Persons considered to be traitors were dispossessed of their property, despoiled of their possessions and exhibited in marketplaces and meeting places in a most degrading and humiliating manner.

II. Deaths during Various Disturbances or in Special Circumstances

1. Veterans of the Resistance and the Liberation Army Oppositionist Group (the Moulay Chafii Case)

1.1. Findings

Investigations conducted by the Commission led to the conclusion that the victims in question were subject to physical elimination. These were :

- **Caïd El-Bachir El-Bouissi El-Metai**

- Born in 1906 in Douar Tassna in E-Regagna Ouled Metai ;
- Executed on 24 March 1960 ;
- Buried in the Zaouia Cemetery in Saidat Douar Ouled E-zzir.

- **Moulay Chafii El-Fidouz**

- Born in 1913 in Douar El-Haj Sid El-Moukhtar ;
- Executed on 24 March 1960 ;
- Buried in the Zaouia Cemetery in Saidat Douar Ouled E-zzir.

- **Mouhamed Barkatou**

- Born in 1924 ;
- Executed on 24 March 1960 ;
- Buried in the Zaouia Cemetery in Saidat Douar Ouled E-zzir.

- **Brik Jabbori**

- Born in 1923 in Douar Tassna in E-Regagna Ouled Metai ;
- Executed on 24 March 1960 ;
- Buried in the Zaouia Cemetery in Saidat Douar Ouled E-zzir.

- **Lahcen Aballouch**

- Born in 1924 in Douar E-rehahla Tafdgoult ;
- Executed on 24 March 1960 ;
- Buried in the Zaouia Cemetery in Saidat Douar Ouled E-zzir.

- **Benhadou E-ssekai**

- Born in 1923 in Oulmes Dar Ait Yahya Ait Hatem, Ait Abban Tribe ;
- Died on 24 March 1960 ;
- Buried in the Zaouia Cemetery in Saidat Douar Ouled E-zzir.

- **Hassan Ben El-Ayachi**

- Born in Douar E-Regagda Ouled Matai ;
- Died on 24 March 1960 ;
- Buried in the Zaouia Cemetery in Saidat Douar Ouled E-zzir.

1.2. Conclusions

The above-named persons were oppositionists. Some held positions in the Resistance Movement and the Liberation Army in the Oulad Bou Sbaâ region. They took up arms and sought refuge in the nearby mountains in 1960 amidst a wave of detentions targeting local leaders of the Resistance and Liberation Army in the aftermath of the tensions that the country witnessed in late 1959 and 1960.

According to information made available to the Commission, a large number of the local residents were asked to identify the dead bodies of the group members under the supervision of an army unit. The mortal remains were then identified and later buried by one of Barkatou's relatives and a local gravedigger.

As stated in testimonies, the dead bodies were left under guard until the following day, March 25 1960. They were then transported to the Zaouia cemetery in Saidat for burial in individual tombs, in the presence of a large crowd of local residents.

Accompanied by the persons who buried the victims, members of Barkatou's family and witnesses from Douar Douiran and Douar Saidat, the Commission delegation inspected the graves in Zaouiat Saidi cemetery, Douar Saidat. The persons who buried the victims affirmed that they had interred the bodies in individual tombs, but as they were overtaken with panic, they hurriedly heaped earth on the graves indiscriminately. Six graves were identified, three of which were easily detectable, but the other three graves could not be told apart, being no more than a mound of earth and stones looking like a mass grave.

The Commission further identified the grave of a seventh person, Hassan Jouider, Caïd Bachir's nephew.

Upon perusal of the death register for the month of March 1960 in Chichaoua Municipality, the Commission learned that the identities and respective dates of death of these seven persons were entered in chronological order along with other local deaths.

Thanks to information obtained from the various sources involved, the Commission was in a position to sort out the graves, establishing that there were seven, individual ones.

To complete its task, in fulfilment of the objectives of truth, equity and reconciliation, the Commission took part on 30 October 2005 in a commemorative ceremony for the group members in Zaouiat Saidat cemetery.

2. The “Sheikh El-Arab Group”

2.1. Findings

Examining death registers kept by the custodians of the Ben Msik cemetery in Casablanca, the Commission came across a “Register of Anonymous Burials”, where the names were recorded of victims whose files had been submitted to the Commission and categorized as persons of unknown fate. Among the names listed was that of Ahmed Faouzi, alias “Sheikh El-Arab”, but also the names of other persons who died in the same circumstances, and these are :

Date	Grave	Authorization	Age	Name	Address
26/8/1964	93	296	37	Ahmed Aznag	No. 9, Bloc 12, Sidi Othman
26/8/1964	94	295	40	Faouzi Ahmed Ben Mohamed, alias Sheikh El-Arab	None
18/6/1964	21	218	40	Bouzalim Abdellah	Street 18, Derb Ismail, Ingliz Street
18/6/1964	22	217	45	Unidentified	

The Commission identified two sites. One contains two graves and the other four graves.

2.2. Conclusions

Upon review of Casablanca Mortuary registers, the Commission found the names of the above victims recorded along with the causes of their death as follows :

Serial No.	Name and Surname	Date of Entry	Age	Cause of Death	Date of Exit	Remarks
L295	Faouzi Ahmed Ben Mohamed, alias Sheikh El-Arab	11:55	40	Injuries resulting from gunshot in the rib cage	27/8/1964	Shot down by security forces, death certificate made out based on information delivered by Provincial Judicial Police Department
L296	Ahmed Aznag	11:55	37	Gunshot wounds in the skull	26/8/1964	As above

The Commission found on a subsequent page in the register the following data :

Serial No.	Name and Surname	Date of Entry	Age	Cause of Death	Date of Exit
L217 (1)	Unidentified person (grey-haired),				
died on Bouskoura Road	9/6/1964, 06:00	45	Multiple gunshot wounds	18/6/1964	
L218 (2)	Bouzalim Abdellah				
died on Bouskoura Road	9/6/1964, 06:00	40	Multiple gunshot wounds	18/6/1964	
L219 (3)	O'choud Ahmed, died in Zenata Minor	9/6/1964, 08:45	55	Multiple gunshot wounds	18/6/1964
L220 (4)	Abdellah Gagaz, died in Zenata Minor	9/6/1964, 08:45		Multiple gunshot wounds	17/6/1964

As indicated in petitions submitted to the Commission in connection with this subject, testimonies by witnesses, and documents published in the press, Abdallah Gagaz, Ahmed O'choud, Abdellah Guejaj and Abdellah Benssi were detained in illegal centres during 1963 and 1964 as part of a search conducted to track down Sheikh El-Arab. Their fate had remained unknown until their dead bodies were found on the morning of 9 June 1964 on the outskirts of Casablanca, two in Bouskoura and the other two in Zenata. One of the bodies discovered was identified as that of Abdellah Guejaj, also known as Bouzalim, who was sentenced to death on 16 December 1963 "in absentia", even though he was being held in an illegal detention centre.

It transpired that they were executed by firing squad following two days of armed confrontation in the Hermitage District between the group members and the police, which resulted in the death of three policemen.

III. Deaths in Illegal and Arbitrary Detention Centres

Investigations conducted by the Commission to identify the graves of persons who died in irregular detention centres led to the following conclusions :

1. Tazmamart Centre

1.1. Findings

Thirty-two persons died while held in Tazmamart centre. Thirty of them belonged to a group of 58 persons detained in the aftermath of the attempted coups of 1971 and 1972, along with two more persons. These were :

	Name in Full	Date of Birth	Incident	Length of Sentence (yrs)	Date of Death
1	Mhamed Boulmakoul	1937	Skhirat attempted coup	5	28/1/1974
2	Mohammed Echchamsi	1946	Attack on the royal plane	3	28/1/1974
3	Mohamed Kinat	1947	Attack on the royal plane	3	1/12/1974
4	Driss Bahbah	1951	Attack on the royal plane	3	25/01/76
5	Mohammed El Kouri	1945	Attack on the royal plane	12	07/02/76
6	El-Hedan Bouchta	1951	Attack on the royal plane	3	14/01/77
7	Rabah Bettioui	1942	Attack on the royal plane	3	21/01/77
8	Mohamed Sajei	1950	Attack on the royal plane	3	25/10/77
9	Allal Mouhaj	1940	Attack on the royal plane	20	06/12/77
10	Mohamed Boudda	1948	Skhirat attempted coup	5	14/01/78
11	Amrouch Kouiyen	1930	Skhirat attempted coup	10	12/02/78
12	El-Mahjoub El-Yakdi	1948	Skhirat attempted coup	20	21/02/78
13	Abdelaziz Ababou	1943	Skhirat attempted coup	5	01/09/78

14	Mohamed Aidi	1943	Attack on the royal plane	3	21/02/79
15	Abounssi E-Tehami	1949	Attack on the royal plane	5	24/04/79
16	Kasraoui Kacem	1950	Attack on the royal plane	3	19/12/79
17	Larbi Aziane	1949	Attack on the royal plane	3	03/01/80
18	Jillali E-ddik	1938	Skhirat attempted coup	5	04/09/80
19	Abdelsalam E-Rabhi	1944	Attack on the royal plane	3	17/5/1981
20	Rachid Lamine	1943	Attack on the royal plane	5	04/11/81
21	Mohamed Abdelsadki	1947	Skhirat attempted coup	5	1983
22	Abdellah Fraoui	1951	Attack on the royal plane	3	18/3/1983
23	E-Rachdi Benissa	1946	Attack on the royal plane	3	29/06/83
24	Seddik El Mouloudi	1937	Attack on the royal plane		21/10/83
25	Baiti Mohamed	1949	Attack on the royal plane	3	13/03/84
26	E-Tijani Benredouan		Skhirat attempted coup	5	26/08/84
27	Boujemaa Azendour	1946	Skhirat attempted coup	5	29/10/85
28	Mohamed El-Ghalou	1942	Skhirat attempted coup	15	3/3/1989
29	Abdelsalam Haifi	1946	Skhirat attempted coup	20	05/10/89
30	Mimoun Fagouri	1951	Attack on the royal plane	3	01/06/90
31	Hamid Ben Douro	1936	Skhirat attempted coup	10	3/7/1991

NB 1 : Dates of deaths mentioned in the list are taken from official certificates issued by Rich Municipality. There are inconsistencies between these dates and the dates mentioned in testimonies given by former victims Mohammed Raiss and Mohamed El-Merzouki.

NB 2 : It came to the attention of the Commission that an African might have been buried in the same site after dying in Tazmamart Centre.

1.2. Conclusions

The detention centre known as Tazmamart is situated near Tazmamart Fort, a village located between Midelt and Errachidia, 20 km from the town of Rich, on the way to Gourrama. The centre was built in an army barracks by the French Army, who opted for the location because of its strategic importance. Buildings were later added, initially for the detention of a group of the 58 servicemen tried for the two attempted coups (the Skhirat coup of 10 July 1971 and the attack on the royal plane on 15 August 1972). The centre was used as a detention facility during the period from 8 August 1973 to 15 September 1991, as more detainees were subsequently brought in for detention, as mentioned above.

Upon the release of the detainees sentenced to two years' imprisonment in connection with the Skhirat case, the other detainees were moved from Kenitra Central Prison to Tazmamart on the night of 7-8 August 1973.

The transfer was conducted under the supervision of a special Gendarmerie detachment. The detainees remained in detention until the 28 survivors were released on 15 September 1991 after spending 18 years and a few weeks in confinement.

According to testimonies given to the Commission, most of the detainees who died were buried next to the wall. Guards would lay a zinc sheet on the mortal remains and then cover them with a layer of concrete before filling the holes in with earth, making sure no external signs of the graves were left.

In fact, the burial place along the wall was already prepared before the detainees and the guard unit arrived in Tazmamart. But as the holes were not deep enough, the guards had to deepen them, skirting rock, and for this reason the graves were not aligned next to each other.

Upon inspection, the Commission members were able to establish that the burial ground was no more than a strip of ground, roughly 1.5 metres wide, lying alongside the wall enclosing the courtyard that surrounded the detention facility on three sides. Registers were not kept in the detention facility but burials were conducted according to a specific procedure : a sign with a letter to indicate the place of death (Block A or B) would be placed where the deceased was buried along with a sign in numbers to indicate the date of death. The identity of each person buried could thus be easily established.

Victims were detained in narrow cells divided between the two buildings A and B. They were deprived of the daily promenade, and the centre's harsh living conditions meant that they had to endure the rigours of winter and the sizzling heat of summer.

Malnourished, inert, deprived of sunlight and fresh air, exposed to harsh weather conditions and denied medical care, detainees would gradually waste away. Some were afflicted with physical or mental ailments, and thirty-two of these would ultimately die.

2. The Tagounite Centre

2.1. Findings

Investigations conducted by the Commission confirmed the death of :

- a. Two persons detained in connection with the incidents which took place in March 1973 :

- **Bassou Aboud**

- The victim was abducted in Errachidia Province by the local authorities and the Gendarmerie in March 1973 ;
- He was later held in Guelmim ;
- Then transferred to Casablanca where he was held in the Courbiss detention centre ;
- He was transferred to the Tagounite centre in April 1974, where he remained in detention under the responsibility of the Auxiliary Forces ;
- He died on 3 December 1975.

- **Moha Ou Moha Lhaous**

- The victim was detained in the wake of the incidents that occurred in March 1973 ;
- He was held in Tagounite under the responsibility of the Auxiliary Forces ;
- He died on 25 July 1974 ;
- He was buried in Tagounite cemetery.

- b. Five persons from “the Casablanca Group” :

- **Mohamed Belarbi Belhassen**

- **Abdelrahman Goumou**

- **Abdelrahim E-sayad**

- **Salem Marzouk**

- **Charek Ghanam El-Arbi**

c. An unidentified woman

- She was nicknamed Fatima Drissia, after her tribe Ouled Driss in the town of M'hamid El-Ghizlane ;
- She was detained in unknown circumstances.

2.2. Conclusions

Situated in the south-east of Morocco, Tagounite is known for its harsh climate, with temperatures rising and falling sharply according to the season.

Tagounite detention centre, a house originally owned by the Glaoui, was used by the French Army, the Liberation Army and the Royal Armed Forces during hostilities known as the Sand War. It was later used by the Auxiliary Forces.

Members of the “Casablanca Group” were the first to be held in the centre. The group comprised 215 persons detained during the period between December 1971 and early March 1972 on the occasion of the Islamic Summit in Casablanca in 1971.

It included vagrants and beggars but also secondary school students and employees. They were arrested on the street and from homes and night shelters.

Ages ranged between 14 and 70 years. They were held in the Hay Hassani District in Casablanca before being transferred to Tagounite Centre in two batches :

- A first batch of 140 persons was transferred on 1 January 1972 ;
- A second batch of 75 persons was transferred in March 1972.

After 28 months of detention in this centre, survivors were moved to the Auxiliary Forces barracks in Boulevard des FAR in Casablanca during April and May 1974 and were released in June the same year.

The second group, made up of 14 persons (13 men and one woman) was detained following the March 1973 disturbances. The group included the following persons : Fadma Hrfou, Moha Khou, Haddou Oufdil, Ouaboud Bassou, Moha Ou Moha Lhaous, El-Louzi Bassou, Kejji Moha, Zaid Jlok, Arjaoui Moha, Ait Zaid Moha, Zda Zaid, Fadli Moha, Chari Lhou, from Guelmim, Imilchil and Tinghir ; and Ouazzan Kacem from Figuigg. These persons were held during the period from May 1974 - after the Casablanca Group had been released, having previously been held in the centre known as Courbiss, in Casablanca-Anfa Airport, where they had spent 11 months - up to January 1976, when they were transferred to Agdez detention centre.

The centre is square, with a watchtower on each corner and main rooms in between, surmounting smaller rooms, also used as detention cells, with the exception of one room, with walls and ceiling blackened with soot, which seems to have been used as a kitchen. Behind it there is a 22 m² room with graffiti on the walls, which suggests that it was perhaps used as a detention cell or as a punishment or solitary confinement cell.

The centre is divided into two wings. Rear Wing 1, which is reached through a small door found at the end of the wall of the centre on the left. This is a building appended to the main detention area, smaller, constructed of lower grade materials, and very dilapidated. The building consists of a small courtyard and tiny rooms. In one corner, there is a narrow passageway fitted with a door (accessed only by crouching) which leads to a 22 m² room with two big holes on either side.

Rear Wing 2, accessed through a small entrance which is no more than a hole in the wall. It contains small rooms which might have been used as solitary confinement cells or guards' quarters.

A third wing is situated within a separate enclosure accessed from the detention facility courtyard opposite Wing 2. There is a well in the wing previously used by the local inhabitants. Built later, this wing comprises an underground building which looks new compared to the other wings. Its roof rises only slightly above the ground, and the rooms are small in size and fitted with windows high in the walls. According to testimonies, these rooms were built after detainees had been evacuated.

The detainees' living conditions were as follows :

- They were thirty detainees to a room ;
- They were provided with straw mats and threadbare blankets ;
- A bucket was placed at their disposal for the purpose of relieving themselves ;
- Initially, the room doors would be opened once a day when bread was being handed out but subsequently they were left open all day long ;
- According to testimonies by former victims, the detainees were often constantly tortured and ill-treated. They were subjected to violence and made to stand in the sun for periods of five hours at a time ;
- They were made to perform tasks such as the construction and expansion of the M'hamid El Ghizlane road and digging alongside the Caïdat (local rural district authority) near the marketplace.

These living conditions led to the death of five persons from the first group and two persons from the second.

3. Agdez Centre

3.1. Findings

Investigations conducted by the Commission confirmed the deaths of :

- **Ibrahim Ouled Bouzid Ouled L-Habib**

- Detained in the town of Zag in 1976 by the Gendarmerie ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 27 September 1977 ;
- Buried in Agdez Cemetery.

- **E-Sehaili Abid Ouled Mohamed**

- Detained on 18 January 1976 in Guelmim by the Royal Armed Forces ;
- Transferred to the city of Agadir and then to the Agdez centre, where he remained under the responsibility of the Auxiliary Forces ;
- Died on 22 July 1977 ;
- Buried in Agdez Cemetery.

- **Aich Benasser**

- Detained in Zag in 1975 ;
- Transferred to Agdez Centre, where he remained under the responsibility of the Auxiliary Forces ;
- Died on 29 June 1976 ;
- Buried in Agdez Cemetery.

- **Moha Khou Afroukh Zaza**

- Detained in Tit Aghlioun in Imilchil region in March 1973 by the Auxiliary Forces ;
- Held for 15 days in Bouzmou Prison, in the vicinity of Imilchil ;
- Flown to Anfa-Casablanca Airport to be detained in the Courbiss centre on 19 April 1973 ;
- Later transferred to the Derb Moulay Cherif centre ;
- Then transferred to the Tagounite centre in April 1974 ;

- Eventually transferred to Agdez centre on 21 January 1975, where he remained under the responsibility of the Auxiliary Forces ;
- Died on 18 July 1976 ;

• **El Batoul Bent Sidi Ali**

- Detained on 23 March 1976 by the Gendarmerie in the town of Terfaya ;
- She was detained in Tagounite under the responsibility of the Auxiliary Forces ;
- Died on 16 June 1977 ;
- Buried in Agdez Cemetery.

• **Ezzamouti Bira Hsaina**

- Detained in February 1976 in his house in Birat by the Gendarmerie ;
- Held in the town of Tantan for one month ;
- Then transported to Agdez centre under the responsibility of the Auxiliary Forces ;
- Died on 30 August 1976 ;
- Buried in Agdez Cemetery.

• **Essabti Mohamed Cheikh Ben Bachir Ben Hemmadi**

- Detained in 1976 in Tantan by the National Security ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 23 September 1976 ;
- Buried in Agdez Cemetery.

• **E-Demiri Ben Ali Ayad**

- Detained on 26 February 1976 in Tantan by the National Security ;
- Transferred to Agadir the same year ;
- Then transferred to Agdez centre, where he remained under the responsibility of the Auxiliary Forces ;
- Died on 19 May 1977 ;
- Buried in Agdez Cemetery.

• **Jaid Karkoub Ouled Mohamed**

- Detained in his house in Tantan on 8 February 1976 by the National Security ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 19 May 1977 ;
- Buried in Agdez Cemetery.

• **E-Didd E-ddih Ben Mahjoub**

- Detained in the town of Zag in Tantan in 1975 by the Gendarmerie and the Auxiliary Forces ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 2 September ;
- Buried in Agdez Cemetery.

• **El-Mahdi Ouled Ahmed L'Hssen (Bari)**

- Abducted on 27 February 1976 in Ghelmime by the Gendarmerie ;
- Transferred to Agadir, where he spent 7 months ;
- Then transported to Agdez centre under the responsibility of the Auxiliary Forces ;
- Died on 27 September 1977 ;
- Buried in Agdez Cemetery.

• **El-Moumen Ouled Ehmadnah**

- Detained in 1976 in the region of Icht near Foug Lhcen ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 18 April 1977 ;
- Buried in Agdez Cemetery.

• **Ennefaii Ouled Abdellah Ouled Miyara**

- Detained in 1976 in Zag by the Gendarmerie ;
- Transferred to Tata ;

- Then transferred to Guelmim and Tantan ;
- Then transported to Agdez centre under the responsibility of the Auxiliary Forces ;
- Died on 20 November 1976 ;
- Buried in Agdez Cemetery.

• **Hiba Miyara Ben Ammar**

- Abducted from his house on 27 February 1976 by the National Security ;
- Transferred to Agadir ;
- Transferred to Agdez centre under the responsibility of the Auxiliary Forces ;
- Died on 27 September 1977 ;
- Buried in Agdez Cemetery.

• **Maguaya Chighali**

- Detained in 1976 by the National Security ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 16 July 1978 ;
- Buried in Agdez Cemetery.

• **Bassou Louzi**

- Detained in Imilchil region in March 1973 by the Royal Armed Forces ;
- Remained in detention there for a month ;
- Transferred to Courbiss along with a group of detainees on 19 April 1973 ;
- Later transferred to the Derb Moulay Cherif centre ;
- Then transferred to Tagounite ;
- Then transported to Agdez centre under the responsibility of the Auxiliary Forces ;
- Died on 6 November 1976 ;
- Buried in Agdez Cemetery.

• **Mohamed Abderrahmane Baoub**

- Detained in 1976 by the Rapid Intervention Forces (CMI) in Tantan ;

- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 19 May 1977 ;
- Buried in Agdez Cemetery.

• **Khatari Habady Ben Mohamed**

- Detained in March 1976 by National Security ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 21 October 1976 ;
- Buried in Agdez Cemetery.

• **Haddou Ben Mohamed Oufdil**

- Detained in March 1973 in Aghbalou N'kardouss ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 12 July 1976 ;
- Buried in Agdez Cemetery.

• **Ouaisi Hamdi Ouled Bouzid**

- Detained in February 1976 by National Security ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 15 October 1976 ;
- Buried in Agdez Cemetery.

• **Salama Ait Aboutk Ouled Ali Ouled Aba L'hssen**

- Detained in Guelmim by the Gendarmerie on 7 January 1976 ;
- Handed over to the Auxiliary Forces in Tantan ;
- Then transported to Agdez centre under the responsibility of the Auxiliary Forces ;
- Died on 3 November 1979 ;
- Buried in Agdez Cemetery.

• **Ahmed Ben El Bachir Charramha**

- Detained by the Gendarmerie in early 1976 ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 4 November 1976 ;
- Buried in Agdez Cemetery.

• **Najib Aalwa Tahar**

- Abducted from his house in Ouarzazate on 29 February ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 29 January 1977 ;
- Buried in Agdez Cemetery.

• **Fadma Hrfou**

- Abducted by the Gendarmerie, the Army and the Auxiliary Forces, in March 1973 from the family house in Sountate along with her mother and brother ;
- They were all detained by the authorities there ;
- Then they were transferred to Bouzmou Prison near Imilchil, where they spent eight days ;
- Then Fadma's mother and brother were released ;
- Fadma was transferred to Courbiss and then to Derb Moulay Cherif ;
- Then she was transferred to Agdez centre, where she remained under the responsibility of the Auxiliary Forces ;
- She died on 20 December 1976 ;
- Buried in Agdez Cemetery.

• **Naaija Barhamma Bent Ali**

- Detained in early 1976 along with her brother and mother ;
- They were transferred to Agadir but Barhamma's mother and brother were released after six months' detention ;
- Then Barhamma was transferred to Agdez centre, where she remained under the responsibility of the Auxiliary Forces ;

- Died on 10 November 1976 ;
- Buried in Agdez Cemetery.

• **Khalifa El Bellal Ben Ahbib**

- Detained in 1976 in Tantan by the Gendarmerie ;
- Transferred to Agadir ;
- Then transferred to Agdez centre, where he remained under the responsibility of the Auxiliary Forces ;
- Died on 19 May 1977 ;
- Buried in Agdez Cemetery.

• **Mohamed Cheikh Mohamed Salem Ouled El-Boukhari**

- Abducted on 22 January 1979 by the Royal Armed Forces ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 23 May 1980 ;
- Buried in Agdez Cemetery.

• **Mohamed Mbarek Ouled Sidi Mouloud**

- Detained in Zag in 1976 ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 21 October 1976 ;
- Buried in Agdez Cemetery.

• **Essallami Mohamed Said**

- Detained in early 1976 ;
- Held in Agdez centre, where he remained under the responsibility of the Auxiliary Forces ;
- Died on 28 August 1976 ;
- Buried in Agdez Cemetery.

• **Mohamed Lamin Ouled Hama**

- Detained in Zag in early 1976 ;
- Held in Agdez centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 21 October 1976 ;
- Buried in Agdez Cemetery.

• **Mohamed Ma El-Ainin**

- Detained by the Army in 1975 in Aouinet Aït Qoussa (Assa-Zag) ;
- Transferred to Tantan ;
- Then transferred to a hospital in Agadir ;
- Transferred back to Tantan ;
- Then transferred to Agdez centre, where he remained under the responsibility of the Auxiliary Forces ;
- Died on 12 February 1977 ;
- Buried in Agdez Cemetery.

• **Ouazzane Kacem**

- Detained in the aftermath of the incidents of 1973 ;
- Held in a number of locations before he was brought before the court and then sent to the Central Prison ;
- Acquitted on 30 August 1973 ;
- He was, however, abducted from Kenitra Central Prison ;
- Transferred to a detention centre in Temara ;
- Then transferred to Tagounite ;
- Then transported to Agdez centre under the responsibility of the Auxiliary Forces ;
- Died on 27 January 1977 ;
- Buried in Agdez Cemetery.

3.2. Conclusions

Agdez detention centre, originally an ancient fort owned by Pasha Glaoui, is a kasbah built in the middle of an oasis in the town of Agdez and surrounded by a great wall and high towers. According to an official formerly in charge of the centre, it was operational as a detention centre as from January 1976, when a group of detainees held in connection with the 1973 incidents was transferred to the centre, up until 1982. The following groups were detained in the centre :

A group of detainees held in connection with the March 1973 incidents was transferred, as previously mentioned, to Tagounite detention centre, with the exception of Moha Ou Moha Lhaous and Zaid Ou Aboud, who died in captivity in Tagounite. They remained in captivity until 9 August 1977. Five died in captivity as previously mentioned. The survivors were released on 9 August 1977.

A group of detainees from the southern provinces was sent to the centre in consecutive batches. As stated in testimonies by former victims, a batch of detainees (12 persons) was transferred from Agadir to Agdez on 28 and 29 February 1976 to join another batch of detainees from the Sahara (12 persons) who had arrived two days earlier. In June 1976, another group of 70 detainees was brought in. Another group was transferred from the National Security headquarters in Agadir to Agdez on 3 July 1976, while another group again, of 14 detainees, was likewise transferred to Agdez, but this time from Derb Moulay Cherif centre in Casablanca. More groups were to be transferred in batches until 1981.

These detainees were all held in the same wing, with the exception of six women, who were held in another wing along with a woman from the 1973 incidents. The men from these incidents were held in yet another wing.

A group of five secondary school students was also brought in on 5 August 1977. After a stay in the wing allocated to detainees from the southern provinces, these students later joined the group detained in connection with the 1973 incidents. The group comprised Abdennaceur Bnouhachem, Abderrahmane Kounsi, Mohammed Errahoui (also known as Sahraoui), My Driss Lahrizi and Mohammed Nadrani.

They were detained in April 1976 and were held in various centres (the Complexe centre, Agdez centre and Kelaât M'Gouna) before they were released on 30 December 1984.

According to testimonies by former victims, more detainees were held in the centre, including :

- Five members of the Auxiliary Forces who were brought in from Rabat but were released a year later ;
- A farmer from Oujda ;

- A Palestinian or Lebanese national known as Abou Fadi but whose true name was, according to official records, Emhamed Ben Ahmed Abbas Marrakechi ;
- A Libyan national named Mohamed El-Bahloul Ali Benomar.

Due to the harsh living conditions in the detention centre, 32 detainees (27 persons from the southern provinces and 5 from the group of detainees held in connection with the 1973 incidents) died. These conditions were marked by the following :

- Malnourishment : The food, which was handed out on rusty plates, was inadequate in terms of both quality and quantity ;
- Lack of medical care : The harsh living conditions led to a deterioration in the health of the detainees, which made them susceptible to illnesses and injuries that made an already miserable plight even worse. All this was compounded by the carelessness and neglect that the detainees faced. As a result, their right to life was constantly under threat ;
- Harsh treatment : It is clear from statements given to the Commission that detainees were subjected to constant harsh treatment, both physical and moral.

4. Kelaât M’Gouna Centre

4.1. Findings

The following persons died in this centre :

• Sidi Ajdoud El-Khelifa

- Detained in 1975 while in his tent among a large number of men from the same locality ;
- Taken to Agdez centre ;
- Later transferred to Kelaât M’Gouna centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 19 June 1989 ;
- Buried in the Kelaât M’Gouna Cemetery.

• Ouled Terfass Ahmed Ben E-Souelem

- Detained in 1976 ;
- Held in Agdez centre and Kelaât M’Gouna centre under the responsibility of the Auxiliary Forces ;

- Died on 28 January 1981 in Kelaât M’Gouna centre ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Yahia Eddahi Ben Mohamed Najem**

- Abducted in Tantan in late 1975 from his house after the early morning prayer ;
- Held in Agdez centre ;
- Later transferred to Kelaât M’Gouna centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 23 February 1990 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Sidati Lakoura**

- Abducted in 1985 ;
- Detained in Agdez centre ;
- Then held in M’Gouna centre where he remained in detention under the responsibility of the Auxiliary Forces ;
- Died on 25 May 1986 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Najem Ben Ahmed Lahcen**

- Detained by the Auxiliary Forces in the region of Guelmim on 1 February 1976 ;
- Taken to Agadir and from there to Tiznit before he was transported to Agdez centre and then to Kelaât M’Gouna, where he remained in detention under the responsibility of the Auxiliary Forces ;
- Died on 4 February 1987 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Salek Ould Abdessamad Boulssan**

- Abducted in Tarouiket near Terfaya by the Gendarmerie ;
- Transferred to Tantan ;
- Transferred three days later to Agadir and then to Agdez centre and from there to Kelaât M’Gouna centre, where he remained in detention under the responsibility of the Auxiliary Forces ;

- Died on 27 May 1983 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Salek Asslik**

- Detained in 1976 ;
- Held in Agdez centre and then transferred to Kelaât M’Gouna, where he remained in detention under the responsibility of the Auxiliary Forces ;
- Died on 19 December 1989 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Abdelali Boussaroual Ben M’jid**

- Detained in 1976 ;
- Held in Agdez centre ;
- Transferred to Kelaât M’Gouna, where he remained in detention under the responsibility of the Auxiliary Forces ;
- Died on March 28th 1987 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Miloud Abdellaoui**

- Detained by the Armed Forces on the Moroccan-Algerian border ;
- Handed over to Sidi Boubker centre and from there transferred to a police station in Oujda ;
- Transferred to Rabat to be held in the Complexe centre ;
- Then transferred to Agdez centre ;
- Subsequently transferred to Kelaât M’Gouna, where he remained in detention under the responsibility of the Auxiliary Forces ;
- Died on 14 June 1986 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Mohamed Adnan**

- Detained in 1976 ;
- Held in Agdez centre and Kelaât M’Gouna centre under the responsibility of the Auxiliary Forces ;

- Died on 2 July ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Didih Lahbib Ahmed Lahcen**

- Detained on 25 January 1976 by the Gendarmerie in Tantan, where he spent some time ;
- Later transferred to Agadir and then to Agdez centre ;
- Later transferred to Kelaât M’Gouna centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 17 April 1986 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Lamdaymigh El Mahjoub Ben Laaroussi**

- Detained in 1976 ;
- Held in Agadir ;
- Transferred to Agdez centre ;
- Later transferred to Kelaât M’Gouna centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 18 May 1986 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Mohamed Najem Ben Bidi**

- Detained in 1982 ;
- Held in Agdez centre ;
- Later transferred to Kelaât M’Gouna centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 19 June 1986 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Alouannat Mohamed Lhbib**

- Detained in 1976 ;
- Held in Tantan and Agadir and later in Agdez ;

- Later transferred to Kelaât M’Gouna centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 25 January 1988 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Mohamed Boudda Ben Ibrahim**

- Detained in 1976 ;
- Held in Agdez centre ;
- Transferred to Kelaât M’Gouna, where he remained in detention under the responsibility of the Auxiliary Forces ;
- Died 13 November 1983 ;
- Buried in the Kelaât M’Gouna Cemetery.

• **Mansour Mohamed Ben Abdallah (Menaycir)**

- Detained in 1976 ;
- Held in Agdez centre ;
- Later transferred to Kelaât M’Gouna centre where he remained under the responsibility of the Auxiliary Forces ;
- Died on 21 December 1989 ;
- Buried in the Kelaât M’Gouna Cemetery.

4.2. Conclusions

The detention centre in Kelaât M’Gouna was originally a small army barracks located on a hillock overlooking Kelaât M’Gouna and surrounded by walls built using local construction methods. Three wings were initially built inside the barracks and five more wings were subsequently added. The fourth and fifth wings were built in 1982, the sixth in 1989 and the seventh in 1990. The eighth wing was added in 1991. There was only one toilet and one water tap in each wing.

The centre was used for detention purposes from 23 October 1980 when detainees previously held in Agdez were transferred there, until it was shut down after surviving detainees had been released on 12 June 1991.

The exact reasons behind the transfer of detainees from Agdez centre to Kelaât M’Gouna are unknown. However, it was probably motivated by leaked information about persons being detained in the location.

According to a testimony by a former staff member, detainees were transferred from Agdez to M’Gouna by the Auxiliary Forces in one go in lorries guarded by the Royal Gendarmerie.

As stated in communications received by the Commission, detainees were held in group cells made of mud brick covered with reeds and earth. Air penetrated the cells only when the iron doors were opened. There were also solitary confinement cells used for correction and punishment, no more than one square meter in size, windowless and with no toilet or water.

Based upon testimonies by former victims, some detainees lost their mental capacities while others suffered a deterioration in their physical health. Chronic ailments, such as tuberculosis, rheumatism and illnesses affecting the digestive, urinary and reproductive systems became widespread. As a result, sixteen detainees would eventually die.

Most detainees were held in the centre until the students’ group was released on 30 December 1984. In 1991, the remaining detainees were released, with the exception of three, who were transferred to another detention centre in the vicinity of the Mansour Eddahbi Dam : Emhamed Ben Abbas Marrakechi, a Palestinian-born Lebanese national, Mohamed El-Bahloul Ali Ben Omar, a Libyan pilot, and a Moroccan national known as Alaoui, who is reported to have attempted to hijack a plane.

5. Gourrama Detention Centre

5.1. Findings

The centre was used for the detention of three persons from the southern provinces : Addahem (or Addahoum) Fadli Sidi Ahmed, Khalouf (or ElKhalef) Mohamed Salem, and Nafii El-Bardessi. These detainees were held in the centre from 21 January 1980. Nafii El-Bardessi died in captivity on 4 October 1986. The other two were released in 1991.

5.2. Conclusions

The centre is situated inside the Caïdat in Errachidia Province. When the three detainees arrived at the centre, they were held in premises removed from the administrative offices until individual cells were built for their detention.

Located at the start of the main road, the Caïdat of Gourrama is divided into two separate wings. The main entrance and offices of the Caïdat are situated in one wing. The second wing, which houses the detention centre, lies behind the first wing and consists of dilapidated buildings, some of which are used to store digging and earth-moving equipment. The Caïd’s residence is situated near one of the towers.

Upon arrival, the three victims were first held in a room, 4.5 metres long, 1.80 metres wide and 2.50 metres high, prior to the construction of cells in the second adjoining room, which was separated from the first room by a wall.

Individual rooms were later constructed for holding detainees. They were each 2.30 metres long, 1.70 metres wide and 2.44 metres high.

Two months after the first group of cells, the construction of a second group of cells to receive newcomers began, after guards who were also assigned to the construction took delivery of construction materials from Errachidia Prefecture.

The cells were constructed according to a plan drawn by the Caïd (rural district officer), over an area 10 metres long and 7 metres wide surrounded by a thick wall. This newly-added wing was fitted with an iron door leading to a 10 metre long corridor at the end of which there was a hole used as toilet. On the left side of the corridor, opposite the door, there were two other corridors. One corridor led to eight cells, four on each side, and at the end of it there was a hole. The other corridor led to four cells.

The roof of each corridor was fitted with three ventilation holes 5cm in diameter. The twelve cells were constructed according to the same design. Each was 2.45 metres long, 1.40 metres wide and 2.50 metres high. The roof in each cell was fitted with a hole 3cm in diameter. This was the ventilation hole in the cell. This wing, however, was never used.

The Commission heard many testimonies attesting that the victim named Nafi El-Bardessi died in Rich of severe diarrhoea. But, according to information made available to the Commission by the Minister of the Interior, the victim died in the Gourrama centre and was buried there.

A visit was conducted to the centre by a joint committee composed of members from the Commission, representatives of the local authorities and two former guards who worked in the detention facility during the period from January 1980 to 1991 and were present when the victim died. The Commission learned that the victim was already ill when he arrived at the centre. A doctor from Errachidia paid him several visits. During the last visit he informed them that the patient's case was hopeless. The victim's condition remained indeed unchanged until he died. The two guards performed the ritual ablution, shrouding and prayer and then buried the body in a deep hole, levelling the grave completely in order to avoid discovery.

The Commission was able to identify the burial place, the guards having recognized it without hesitation. When earth was dug out down to the depth indicated by the guards, a shroud similar to sheets used in prisons and detention facilities was found along with human bones.

Upon perusal of records kept by the Prefecture of Errachidia Province, it transpired that the person in question died on 6 October 1982, contrary to what was stated in the arbitration commission file, according to which death occurred on 4 October 1986.

6. The Detention Centre in the Vicinity of the Mansour Eddahbi Dam

6.1. Findings

- The following persons were held in this centre : Emhamed Ben Ahmed Abbas Marrakechi, a person known as Mohamed El-Bahloul Ali Ben Omar, and another person of Moroccan nationality known as El-Alaoui, who is reported to have attempted to hijack a plane. They were transferred to the dam because there were enough guards there, after the Kelaât M’Gouna detention centre had ceased to be operational ;
- Mohamed Ben Ahmed Abbas El-Marrakechi died in the centre and was buried near the dam ;
- The Libyan detainee was released, according to the public authorities, and left the country. The person named Alaoui was released.

6.2. Conclusions

A part of the guard post at Mansour Eddahbi Dam in Ouarzazate Province was assigned to detention. As already mentioned, the three persons still held after the Kelaât M’Gouna detainees had been released in 1991 were transferred there. The building, which was built for the guards, consisted of four tiny cells and a first-aid room.

As stated in communications from survivors of the Agdez and Kelaât M’Gouna centres, a Palestinian or Lebanese national known as Abou Fadi El-Marrakechi was one of the detainees held in them. Asked about his case during an official meeting held in the offices of the Ministry of the Interior, the central authorities claimed that the person in question died at Mansour Eddahbi Dam and was buried there. Thereupon, members of the Commission proceeded to the dam.

The Commission identified the victim’s grave at the foot of a hill, a few hundred metres away from the dam. Located in an undeveloped area, the grave is easily identifiable.

The delegation also heard the testimony of the guard who was charged with guarding the victim and who buried him when he died.

The Commission further inspected the place where the victim had been detained before he died. Adjacent to the dam and located in the building assigned to the guards in the rear wing, the facility consists of four tiny cells intended specifically for holding the three above-named detainees.

IV. Deaths during Civil Disturbances Due to Disproportionate Use of Public Force

As already stated in the previous chapter, investigations and inquiries conducted into the subject led to the following findings :

1. The 1965 Disturbances in Casablanca

According to a statement issued by the then Ministry of Information, Tourism, Fine Arts and Handicrafts, the disturbances resulted in the death of seven persons aged between 30 and 60 years, and the injury of 45 policemen and 24 members of the Auxiliary Forces. Eight police vehicles were damaged, and motorcycles and one vehicle owned by the police inspectorate were set alight. 168 persons were arrested and were immediately brought before the court.

1.1. Findings

a. Upon perusal of the registers of the Mortuary then located in Ain Chock in Casablanca, the Commission came across the following information regarding the deaths which occurred during the disturbances of March 1965 :

- 31 persons died of gunshot wounds ;
- The names of 19 out of 31 persons who died were listed along with some addresses ;
- In all cases of death by gunshot wounds, the causes of death were clearly mentioned along with the organ injured by the bullet.

The causes of death were recorded in most cases as follows :

- Skull crushed due to gunshot wound ;
- Open wound due to gunshot ;
- Gunshot wound in the abdomen ;
- Gunshot wound in the skull ;
- Gunshot wound in the rib cage ;
- Lower limb amputated due to gunshot wound ;

- Injury in the thigh bone.

In the “Remarks” column were recorded the districts or departments which handed over the dead bodies in the period from 23 to 25 March :

- 10th Municipal Arrondissement (4 cases) ;
- 8th Arrondissement (12 cases) ;
- 1st Arrondissement (one case) ;
- 7th Arrondissement (2 cases) ;
- 6th Arrondissement (2 cases) ;
- 13th Arrondissement (2 cases) ;
- New City Mortuary (7 cases) ;
- Army ambulance (one case).

b. Upon perusal of records kept by Ibn Rushd Hospital Emergency Unit, the Commission discovered remarks indicating that 9 deaths occurred after the injured had been admitted to hospital.

c. Going through the burial register in the Chouhada Cemetery in Casablanca, the Commission was able to establish the death of 50 persons. Perusal of these records enabled the Commission to identify 27 of the persons who died during these incidents. These were :

1	Driss Abdelkahher	16	Casablanca Mortuary Register
2	Slimane Guermoudi	12	Casablanca Mortuary Register
3	Abdelsalam Ben Abdelkader	Undetermined	Casablanca Mortuary Register
4	Abdellatif Mourtada	Undetermined	Casablanca Mortuary Register
5	Fatima Bint Abbas	Child	Casablanca Mortuary Register
6	M'barek Ben Abdellah	42	Casablanca Mortuary Register
7	Fatima Bint Ahmed	Adult	Casablanca Mortuary Register
8	Ibrahim Ben Hamou	34	Casablanca Mortuary Register

9	Ali Ben Bella	34	Casablanca Mortuary Register
10	Lahcen Ben Ahmed	37	Casablanca Mortuary Register
11	Mustapha Ben Abdelkader	14	Casablanca Mortuary Register
12	Moussaoui Ahmed	19	Casablanca Mortuary Register
13	Rahal Sedki	31	Casablanca Mortuary Register
14	Ben Elhaimer Rachida	4	Casablanca Mortuary Register
15	Abdellah Quatad	18	Casablanca Mortuary Register
16	Lebridi Mohamed	26	Casablanca Mortuary Register
17	Jilali Ben Bouchaib	Undetermined	Casablanca Mortuary Register
18	Mustapha Bouhmal	Undetermined	Casablanca Mortuary Register
19	Ali Ben Said Solhi	25	Casablanca Mortuary Register
20	Elhaj Mohamed Ben Takourt	50	Emergency Unit Register, Ibn Rushd Hospital
21	Hafid Bikry	13	Emergency Unit Register, Ibn Rushd Hospital
22	Mohamed Ben Mohamed	21	Emergency Unit Register, Ibn Rushd Hospital
23	Fatna Bint Allal	65	Emergency Unit Register, Ibn Rushd Hospital
24	Fadila Bint Mohamed	7	Emergency Unit Register, Ibn Rushd Hospital
25	Mohamed Ben Mohamed	32	Emergency Unit Register, Ibn Rushd Hospital
26	Abderrahmane Elabsi	28	Emergency Unit Register, Ibn Rushd Hospital
27	Taloui Ayad	40	Emergency Unit Register, Ibn Rushd Hospital

1.2. Conclusions

Investigations conducted by the Commission led to the following conclusions :

- Registration of deaths resulting from gunshot wounds began on 23 March at 23:00. The first death, recorded under No. 95, was that of an unidentified 16-year-old child ;
- Registration of deaths ended on 25 March at 09:40 with Case No. C 521 ;
- In all cases of death by gunshot wounds, the causes of death were clearly mentioned along with the organ injured by the bullet ;
- All information recorded in the “Cause of Death” column was written in long hand by a single person who is reported to have been the doctor in charge of the unit at that time, but is now retired ;
- According to testimonies :
 - Ain Chock Mortuary remained for several days under police control and direction. Dead bodies remained in the unit for two or three days and families were denied the right to receipt of them. These would later be collected by the police by night from the place where they had been deposited ;
 - Victims were buried by night in Chouhada Cemetery in the presence of a representative of the provincial authorities, and in the absence of cemetery employees. Graves were dug in various locations in the cemetery.
- Perusal of the Chouhada Cemetery register enabled the Commission to establish the following :
 - The lists of the names of persons buried in the cemetery (handwritten in French) also contain “addresses” of the graves in cemetery passageways, which makes the identification of any grave an easy task ;
 - All the entries where names are not recorded are preceded by the following phrase : “buried by order of the governor” ;
 - On pp.257-258 seven cases were recorded, on pp.259-260 twenty nine cases, on pp.261-262 eleven cases and on pp. 263-264 three cases.

The following overall conclusions were reached :

- Contrary to information contained in the communiqué issued at the time by the Ministry of Information which put the toll at seven dead, documents obtained by the Commission confirmed the death of fifty persons ;
- According to information recorded in the Casablanca Mortuary register regarding

the causes of death, a large number of the 31 victims died of gunshot wounds in the skull and rib cage ;

- Investigations conducted by the Commission led to the conclusion that among the known centres used for the collection of dead bodies were the Ain Chock Mortuary (31 bodies) and the Ibn Rushd Hospital (nine bodies) ;
- Among the dead listed there were children. Some victims were no more than 10 years old, and one of them was a girl of no more than four years old.

2. The 1981 disturbances in Casablanca

2.1. Introduction

The disturbances erupted when on 28 May 1981 the government announced price increases for staple commodities. On 2 June 1981 the Democratic Labour Confederation (CDT) called on its members to mobilize in order to force the government to rescind the increases. Responding to these calls, but only partially, the government decided to reduce the increases by 50%. The CDT National Council then called for total cancellation of the price increases within seven days. On 15 June the CDT called a 24-hour nation-wide general strike for 20 June. For its part, the Regional Union of the Moroccan Union of Labour (UMT) called a general strike in Casablanca for Thursday 18 June.

On 18 June UMT and CDT went on strike in Casablanca. In the evening of the following day demonstrators took to the streets in Hay Mohammadi, chanting anti-government slogans. A wave of detentions targeting ordinary citizens ensued.

On 20 June CDT implemented its decision to hold a general strike. At about 05:00, when work started at Derb Ghalef central bus station, workers received orders from the public authorities not to stop work. When they refused to comply, security forces intervened. That was the first incident that took place on 20 June. Shops were closed at an increasing rate, despite heavy deployment of security forces, and remained closed in Derb Omar, Sbata, Ben Msik, Korea and elsewhere.

The strike was widely supported by city transport, municipality, post office and railway employees. After 10:00, demonstrators forced a bus to stop. This led to heavy handed intervention by the security forces, which were at the same time being deployed on the streets leading to Sraghna Square. Areas around El Fida Street, Mediouna Road and Derb Lkabir were then cordoned off by more than a thousand persons and all cafes that were open that morning were closed. Security forces began patrolling through alleys and neighbourhoods, chasing and detaining passers-by. Three helicopters were seen hovering over the city.

At around 14:00, hospitals in Casablanca were instructed to get organized for emergencies and ambulances were pressed into service. At about 17:00, troops scoured the city and the use of firearms escalated.

According to a report by the Ministry of the Interior, 66 persons died as a result of these disturbances and 7 petrol stations, 12 pharmacies, 2 factories, 2 buildings, 23 banks, 54 vehicles and 45 buses were ransacked and looted.

2.2. The Testimony of the Former Casablanca Mortuary Superintendent

The Commission heard the testimony of a former mortuary superintendent. In his statement, he said that during the June 1981 disturbances up to 70 bodies of adult men and women and a few children were collected (the figure was further corroborated upon perusal of the register by the Commission). All bodies delivered to the mortuary were entered in the mortuary register. None of these bodies came from hospitals. Bodies were often entered in the register under “Unknown person”. The public authorities instructed the mortuary to dress the dead bodies by night in the shrouds they had provided and hand them over. As the mortuary could not carry out the task, the authorities collected the enshrouded bodies along with those yet to be shrouded and crammed them in three ambulances. The bodies were then taken late in the evening to an unknown destination. Civil Protection forces were assigned to the task of enshrouding. Prior to the delivery of the dead bodies, ID card details were noted down and fingerprints recorded. Two or three bodies were taken from relatives’ homes. An old man died of his wounds and his family tried in vain to claim the body.

2.3. Perusal of Information in Sidi Othman Hospital Emergency Department Register

The Commission conducted investigations in Sidi Othman Hospital, which admitted victims of the June 1981 disturbances. The Commission asked to be allowed to peruse the relevant documents, including admittance and emergency registers, and heard from the former head nurse of the emergency unit. According to his statements, the unit took delivery of 17 bodies during Saturday 20 June 1981. Bodies, according to him, began to arrive shortly before sunset and continued to arrive until 20:00. While tension was high and bodies were coming in, many injured persons were admitted to the unit as well. The Regional Health Delegate, permanently in attendance at the Soufi Hospital, issued orders to bring the injured to the said Hospital. The head nurse further stated that casualties were mostly men and that none were children. Bodies were deposited in a tiny room with an area not exceeding 9 m², as the Commission came to realize upon inspection. Later, at midnight, an unidentified lorry arrived at the hospital, before leaving for an unknown destination. A list of the names of the dead was drawn up, but the Commission could not find it.

2.4. The Inspection of the 46th Arrondissement Cell

Based on petitions submitted to the Commission alleging that during the June 1981 disturbances some people died of asphyxiation in an overcrowded cell in Hay Bernoussi Arrondissement (46), the Commission conducted an inspection of the premises and the cell. Situated in the Auxiliary Forces wing and used for police custody, the cell is a room with an area of approximately 18 m² (4 metres wide and 4.50 metres long). The Commission obtained, with the help of the Prefecture authorities, a variety of relevant documents. Upon perusal of the Sidi Bernoussi Prefecture archive, inherited from the former 46th Arrondissement, it transpired that :

- When disturbances erupted on Saturday 20 June 1981, demonstrators and passers-by were being detained from approximately 10:30 and put in the cell ;
- When the cell was opened at 22:00, the number of detainees who had died was 28, mostly children ;
- The Commission examined the lists of detainees who were brought before the court after being held for some time in Ain Harrouda barracks and inspected the place where detainees were held.

According to testimonies by survivors, recorded in the victims' files kept by the Commission, the number of detainees had reached 153 by 16:00. Due to the stifling heat, detainees started to suffocate and faint and there were cries of protest against overcrowding and calls for water. According to the same testimonies, protests against overcrowding began in the early hours but the situation remained unchanged despite the detainees' cries for help.

2.5. Findings

Upon perusal of Casablanca Mortuary register, information was obtained on 69 deaths resulting from the above-mentioned disturbances. Inspections conducted led to the following :

- Entry of deaths resulting from gunshot wounds began from 20 June at 20:57 ;
- There was no mention of cause of death ;
- Deaths registered occurred over a period of three days :
 - The first four deaths were recorded on 20 June ;
 - Sixty-two deaths were recorded on 21 June ;
 - Three deaths were recorded on 22 June ;
 - Names in full of 25 out of the total number of victims were recorded ;
 - Six bodies were removed from family homes ;

- According to information, one victim died in the police station of injuries in the skull and crotch.

Perusal of these records enabled the Commission to identify 26 of the persons who died during these incidents. These were :

Name in Full	Age
Driss Moussaid	10
Youssef Hamadi	10
Abderrazak Hanabou	32
Allilou Mustapha	20
Mahfoud Ben L'hessan	36
Makhfi Mustapha	14
Mohamed Ben Emhamed	22
Koundi Ibrahim	28
Abdelaziz El-Hachemi	22
Hassan Ben Mohamed	19
Hassib El-Mustapha	27
Abdelrahman Ben E-Sissani	23
Himaoui Mohamed	18
Akboush Mohamed	45
Afkhar Ali	65
El-Azzrak Redwan	18
Akourti Said	19
Alexander James John	63
Bachar Mouhssin	18
Rizki Rabia	22
Khadim Abdullah	22
Bourja Abdurahim	11
Hillal Said	22
Ben El-Oualad El-Arbi	18
Ibrahim Ben Ahmed	30
Maghari Mohamed	35

2.6. Conclusions

Investigation conducted into the 1981 disturbances and the subsequent findings led to the following summaries and conclusions :

- Authorities began firing live bullets from the very beginning. Rubber bullets, which could have minimized casualties, were not used ;
- Public authority officials refrained from rendering aid and assistance to the injured, including children who died of gunshots intentionally fired into houses, and left them to bleed to death ;
- As confirmed by Casablanca Mortuary with regard to causes of death, a large number of the 69 victims listed in the registers died of gunshot wounds either in the skull or in the rib cage ;
- According to testimonies, the police were excluded, for reasons still unknown, from the ongoing confrontation of the disturbances and a decision to call in Gendarmerie forces stationed in Ain Harrouda barracks, 10 km from Casablanca, was taken and acted upon ;
- Intervening forces (police, but later the Gendarmerie and the Army) fired into homes through open windows, balconies and doors, hitting persons who were not proven to have taken part in the incidents, including children and old men. Some of them died of gunshot wounds. These facts were corroborated by testimonies given to the Commission as well as the death register, where five instances of forcible collection of bodies were recorded ;
- When collecting bodies of the victims who died in their homes, intervening authorities refused to inform families of their destination and the fate of these victims remained unknown to relatives. The authorities even refused to list these victims in the death registers kept by the competent authorities ;
- Upon perusal of the mortuary register, it transpired that bodies were arriving at the mortuary at the following rate : on 20 June, 4 bodies arrived shortly before midnight, on the night of 20/21 June, 15 bodies, in the morning of 21 June, 35 bodies, and in the afternoon of 21 June, the last 15 bodies arrived ;
- According to investigations conducted by the Commission, dead bodies were collected in other locations in addition to Ain Chock Mortuary (69 bodies), Ben Msik Dispensary (17 bodies), and 28 dead in the 46th Arrondissement. The Commission was not able to establish the number of bodies which might have been transported to the Ibn Rushd and Soufi Hospitals ;

- The Commission was able to confirm the death of 28 children not over 15 years of age held in the 46th Arrondissement, along with dozens of detainees in a cell with an area of no more than 18 m² ;
- Among the dead listed, there were children some of whom were no more than 10 years old ;
- The Commission took note of acts of disrespect for the bodies perpetrated by the authorities. According to eyewitnesses in the Ben Msik Dispensary at least, bodies were heaped together ;
- The Commission was able to establish that Casablanca Civil Protection forces were the last to take delivery of bodies. It was also confirmed that bodies were indeed transferred from the locations where they were being deposited to a place adjacent to the Civil Protection headquarters near the Chouhada Cemetery. After hearing testimonies by eyewitnesses, including former officials, the Commission was able to establish that 77 bodies were buried in a private burial ground in a courtyard situated at the rear of the main building of the Civil Protection headquarters in Casablanca. The Commission visited the first location, where the 77 bodies were buried. It recommends further investigations into these cases to identify the victims buried and clarify the circumstances in which they died and were buried in the said burial ground ;
- According to testimonies heard by the Commission, more bodies were buried in the Chouhada Cemetery ;
- The Commission was not able to find any autopsy order issued by the Casablanca Public Prosecutor's Office, with the exception of an order issued in respect of the body of a foreign national who died during the incidents ;
- According to an official communiqué published in the aftermath of the 1984 disturbances, 66 persons died of contusions caused by a blunt instrument. When the Commission examined registers and documents, the figure turned out to be 144. Death in most cases was caused by gunshot wounds in the skull or rib cage (86 deaths) or asphyxiation as was the case with 28 children not over 15 years of age due to overcrowding.

3. The 1984 Disturbances in Cities of the North

3.1. Al Hoceima

According to a government communiqué issued on 26 January, the disturbances in Al Hoceima resulted in the death of four persons and the injury of four more, including a

policeman. The communiqué further claimed that all deaths were examined by a forensic scientist and that bodies were handed over to families.

The Commission received four petitions in connection with these incidents, including a petition regarding a person whose fate was unknown. The other petitions pertained to cases of dead persons : two in Al Hoceima and a case in Tamasint.

Investigations conducted by the Commission established that 11 deaths occurred in Al Hoceima, and the Commission was later able to locate the graves in Sabadia Cemetery. The number of the persons who died in Al Hoceima and nearby areas during the incidents amount therefore to 12 deaths, including a victim buried in Tamasint in the presence of his relatives. The remains of the other persons were transported to Mohamed V Hospital by night in the presence of local authority agents and buried in the absence of families, with the exception of two cases.

According to the findings of the investigations conducted by the Commission, four pages were deliberately destroyed in the local hospital admittance register covering the period from 11 to 17 January 1984, the stretch of time over which incidents took place.

As stated in testimonies given to the Commission by former local officials on duty at the time, the then Governor of the Province, accompanied by three of his aides, was personally supervising the handling of the deceased.

3.2. Zaio

The Commission received one file in connection with the death of a 14-year old boy named Karim El-Routbi. The Commission was able to establish that the victim, who was not involved in the incidents, was hit by a bullet when he went outdoors for shopping. His body was transported to Al-Hassani Hospital in Nador. His fate is still unknown to his family.

3.3. Nador

The following files were submitted to the Commission regarding deaths during the incidents which erupted in 1984 :

- Eight files pertaining to deaths in Nador, including children who were no more than 16 years of age. These were :
 - Abdelkhalik El Haouari
 - Yahya El Fayda
 - Najim Morabit
 - Salah Bouarourou

- Ettarhib Hakim
- Abdelaziz Jerrari
- Khalifa Lauquili
- Zouheir Fares
- A file from Beni Nsar pertaining to a victim named Aouja Mustapha ;
- A file from Zghenghen pertaining to a victim named Mimoun El-Moujahidi.

Bodies were transported to Al-Hassani Hospital and families were not allowed to see the bodies or approach the hospital, which was guarded and cordoned off by members of the Armed Forces.

During investigations conducted by the Commission, three types of registers were examined in Hassani Hospital : registers of deaths during medical treatment, admittance registers and registers of deaths outside the hospital.

When going through registers of deaths outside the hospital, the Commission noticed that there was a gap between two registers. Death entries ended in the fourth register and began in the fifth register on 16 January 1984, which means that no death was entered over a period of 24 hours coinciding with the disturbances.

During investigations conducted by the Commission, the death of a schoolboy named Abdelrazak El-Massoudi during the incidents in Zghenghen came to light.

An official communiqué dated 16 January put the toll at 16 dead. The figure is corroborated by the findings of the Commission's investigations.

The Commission learned that the bodies of the victims from Nador, Beni Nssar, Zghenghen and Zaio were sent to Al-Hassani Hospital Mortuary in Nador, but is yet to locate the burial places and to identify four dead persons.

3.4. Berkane

Two petitions were submitted to the Commission regarding the death of two adolescents in Berkane during the incidents which took place in 1994 : Mohammed Bekkaoui and Ahmed El-Yacoubi.

The Commission discovered that :

- Mohamed Bekaoui died in the evening of 22 January after being hit by a bullet a few metres from the family home while on some errands when a demonstration was being dispersed. The family insisted on taking receipt of the body. It was eventually handed over to them and was buried in Berkane cemetery.

- Ahmed El-Yacoubi died on 23 January after being hit by a bullet during Mohammed Bekkaoui's burial ceremony. His fate remained unknown to the family for a week after his death. They were finally able to identify the body in Al-Farabi Hospital in Oujda. He was buried in this city.

3.5. Tetouan

A government communiqué regarding the incidents which erupted in Tetouan made mention of nine deaths. The Commission received nine petitions from the rightful claimants of the deceased persons.

The Commission's investigations led to the conclusion that thirteen persons died during the incidents, including a 12-year old girl, and were buried in two locations in Tetouan cemetery. In one location nine victims were buried at 22:00. Some families attended the burial ceremonies. The other victims were buried in another location in the absence of families.

Contrary to what happened in the other northern cities, some victims' names were entered in the hospital death register. The Commission was thus able to establish the figure by comparing the names entered in the hospital with the names which the Commission already had. The Commission found out, when examining the death register in Tetouan Hospital, that four out of the total names listed in the petitions submitted were not listed among the names entered there.

3.6. Ksar Elkebir

The Commission received three petitions by the rightful claimants of the persons who died during the incidents which erupted in this town.

The Commission's investigations led to the confirmation of four deaths. It was able to identify three out of these four victims. The fourth victim, according to a victim's mother, was a child from Douar Doukhane buried next to Mustapha Bensarghini's grave. The Commission was not able to trace the victim's family.

The four victims were buried in the town cemetery.

3.7. General Conclusions

While the civil disturbances which erupted in cities in the middle and the south of the country, in Marrakesh during the last week of December 1983, and during the first and second weeks of January 1984 in Agadir, Khouribga, Beni Mellal, Safi and Marrakesh,

did not result in deaths, the incidents which broke out in cities in the north in mid-January, particularly in Ksar El-Kebir, Tetouan, Al Hoceima, Tamasint, Nador, Zghenghen, Beni Nsar, Zaio, Berkane and Tangier, resulted in the death of a number of persons, including children. Investigations led to the confirmation of the death of 49 victims as broken down in the table below :

City	Tangier	Tetouan	Al Hoceima and Tamassint	Nador	Zghenghen	Beni Nsar	Zaio	Berkane	Ksar El-Kebir
No. of Victims	1	13	12	13	2	1	1	2	4

Investigations conducted also led to the conclusion that while no deaths ensued from the intervention of public authorities for the purpose of maintaining public order in several cities during the above-mentioned disturbances, recourse to firearms by security forces in other instances - sometimes during peaceful gatherings, as was the case during the burial ceremony for a victim of the Berkane disturbances - resulted in several deaths, including adolescents who probably were not taking part in the demonstrations that provided the context for these incidents.

The Commission further concluded that there were cases where use of firearms came as a personal initiative by policemen who sometimes targeted victims who were not demonstrators (as was the case in Zghenghen, Beni Nsar, Zaio, Berkane and Nador). This does not, however, absolve the central or local authorities from responsibility. The Commission was not able to find any autopsy order.

The Commission learned that eight victims were buried by families by night. Most families were not, however, allowed to bury their relatives nor were they informed of their respective burial places.

4. The 1990 Disturbances in Fez

4.1. Findings

Investigations conducted by the Commission into deaths during the above incidents disclosed the death of 109 persons. They were buried in the following places :

- 99 victims in Bab El-Guissa Cemetery ;

- 7 victims in Aboubaker Ibn Elarabi Cemetery, near Ibn Khatib Hospital ;
- 3 victims in Rass El-Ma Cemetery.

4.2. Conclusions

- According to a report by the Parliamentary Fact-finding Committee on these disturbances, 42 persons died. 41 were transported to the hospital after death and a person died of his wounds in hospital ;
- A government communiqué issued in the aftermath of the incidents estimated casualties at five deaths while the figure disclosed by a representative of the Fez Public Prosecutor’s Office was 33 ;
- When examining death certificates kept in the Al-Ghassani Hospital archive, none attested the death of the persons listed in the Commission’s files, with the exception of an unstamped and unsigned handwritten document filed under Serial No. 1169, attesting the death of a person named Najib El Azhari on 22 December 1990.

Upon perusal of autopsy reports in Al-Ghassani Hospital Mortuary for the period, it transpired that :

- The pages listing deaths during the period from 11 December 1990 till 16 December 1990 were missing ;
- There was an autopsy report regarding a person named Mohamed Elrouki dated 21 December 1990 conducted on Public Prosecution Order No. 2/8780 attesting that the said person died of gunshot wounds.

Testimonies and communications given to the Commission alleged that :

- The number of victims buried in Bab El-Guissa Cemetery in Zaitouna ranges between 80 and 84 ;
- Seven victims were buried behind Ibn Khatib (formerly “Cocard”) Hospital. Bodies were collected from the hospital rear entrance ;
- Burials were conducted in batches during the night, usually unattended by families ;
- An ambulance would transport 8 bodies every night ;
- The bodies of victims were taken to the mortuary and no records were kept of the names of the deceased ;
- Three persons were buried in the Benssouda area, including a woman and a child, who were buried in Rass El-Ma cemetery.

Documents kept by the Fez Court of Appeal confirmed the following :

- One document listed Mohamed El-Rouki and the names of three other persons ;
- Another letter listed nine names, including the names of Abdellah Samour and Mohamed E-Dakhissi, who were mentioned in petitions submitted to the Commission ;
- There are no autopsy reports in the Public Prosecution or Al-Ghassani Hospital archives, with the exception of a report regarding Mohamed El-Rouki, although letters were sent to the head doctor in Al-Ghassani Hospital (dated 19, 20, 21 and 24 December 1990) requesting him to conduct autopsies on each and every body to determine the causes of death.

The Commission inspected Bab El-Guissa cemetery and was able to locate the burial places and identify 99 graves. The Commission likewise conducted a visit to Aboubaker Ibn Al-Arabi Cemetery and was able to locate the places where seven persons were buried and identified the graves of three victims buried by families.

The following is a table of the overall findings on deaths reached by the Commission after investigations into the above-mentioned disturbances :

Civil Disturbances	Deaths according to Official Sources	Deaths according to Petitions	Deaths according to Investigations
Investigations			
Casablanca 1965	07	08	50
Casablanca 1981	66	46	114
Al Hoceima Province 1984	04	02	12
Nador Province 1984	16	10	16
Berkane 1984	Undeclared	02	02
Tetouan 1984	09	09	13
Kasr El-Kebir	Undeclared	03	04
Fez 1990	2 to 5 (government)	42	
(Fact-Finding Commission)	14	109	
Tangier 1990	Undeclared	-	01
Zaio 1984	Undeclared	01	01

V. Categorizations and Conclusions concerning Persons whose Fate is Unknown

The Commission received petitions in which those who submitted them described how relations of theirs had gone missing. Following this up, the Commission has gathered all similar cases that have been considered for years as cases of unknown fate or disappearance. It has worked to prepare and study these cases, and has sought to obtain information from the apparatuses involved who were considered responsible for the events referred to in these petitions, and was careful to complete the relevant information by receiving communications from their relations and acquaintances.

The Commission has received official documents from the Royal Armed Forces, the Royal Gendarmerie and the General Directorate of National Security, and it has also reviewed a part of the archive of the Ministry of Human Rights.

The documents received from the Royal Armed Forces contained detailed information, including lists, pictures and data about different cases linked to the investigations that its departments carried out concerning cases of disappearance and unknown fate that were subject of investigations by the Commission and requests for clarification by the International Committee of the Red Cross. Studying them enabled the Commission to come to the following conclusions :

The deaths following the armed clashes in the southern regions

This group is made up of two sub-groups :

- A sub-group including 40 persons who met their end on the field of battle and were buried in known places. 8 of them were buried in Zmoul Niran, and 8 others in Oued Lehchibi in Haouza, 1 in Argoub, 4 in Lahricha, 3 in Oum Dreiga, 2 in Sebkhata Aridal, 2 in Boucraa, 1 in Mahbes, 1 in Deloua, 1 in Ichergan, 1 in Boujdour, 4 in Aguerguer Argoub, 1 in Khang Znitmate in Amgala and 1 in Farsia ;
- A sub-group including 88 persons who died during scattered battles that were witnessed by numerous districts in the southern regions of the Kingdom between 1975 and 1989, in Farsia, Haouza, Smara, Guelta Zemmour, Erni, Amgala, Bir Lehlou, Lemaallek, Ech-chaab, Tartak, Tifariti, Chebbi, Douaiheb, Zag, Lemzareb, Ghnijate, Legtifa, Lahrichat, and Mahbes, in addition to the above-mentioned places ;
- Added to the number of dead in battle are 12 cases where the identities of the victims were not discovered because their bodies were burned on the fields of battle.

People dying in hospitals after being wounded during the clashes

This relates to 4 persons who were detained following armed clashes after being wounded severely, and who died in hospitals and were buried in the cities of Marrakesh, Agadir, Laâyoune and Salé.

Cases of persons who were handed over to the International Committee of the Red Cross

This relates to 67 persons who were captured following armed clashes and were handed over to the International Committee of the Red Cross, which transferred them to Tindouf in the south of Algeria on 30 October 1996.

After perusing the archive of the former Ministry of Human Rights and the results of the investigations carried out by the public authorities concerning the cases submitted to the government by the UN work group involved with enforced disappearance, and which were handed over to this group in its meeting held in November 2005, the Commission was able to conclude that 15 had died natural deaths.

The Commission also perused the data that it received from the Royal Gendarmerie concerning a number of cases that had been submitted to it. It examined information indicating that 36 detained persons had died, 23 subject to arbitrary detention, and 13 of them through execution of a death sentence. However, because it received data relating to these latter cases during the last week of its term, it was not able to obtain and analyze the relevant judicial files.

It finally categorized the petitions it received and the different cases discussed nationally and internationally according to the results reached concerning deaths while subject to detention in irregular centres, or as a result of the excessive and disproportionate use of public force, or following armed clashes, or because of conditions of detention or following various incidents.

Its work relating to the hearings, cross-checking, and studying responses it received from the public authorities enabled it to do the following :

- It was able to discover, check or determine the identity of 89 persons who had died while in detention, and uncovered their places of burial in Tazmamart (31), Agdez (32), Kelaât M'gouna (16), Tagounite (8), Gourrama (1), and near the Al-Mansour Eddahbi Dam (1) ;
- It discovered and determined the identity of 11 persons who died following armed confrontations and located their places of burial. 7 persons died in 1960 (the Barkatou and Moulay Chafaï group) and 4 in 1964 (the Sheikh al-Arab group) ;

- It established that 325 of the persons, some of whose names were listed among those of unknown fate, had died following the civil disturbances that occurred respectively in 1965 (50 deaths), 1981 (114 deaths) and 1984 (49 deaths distributed as follows : 13 in Tetouan, 4 in Ksar El-Kebir, 1 in Tangier, 12 in Al Hoceima, 16 in and around Nador, 1 in Zaio, and 2 in Berkane), 1990 (12 deaths), due to the use of excessive and disproportionate use of public force. The Commission managed to determine the places of burial of some of them and was not able to discover the identity of others, and in other cases again it was able to discover the identity without being able to determine the place of burial. With the exception of the Casablanca disturbances, the Commission concluded that the dead had been buried by night in regular cemeteries and in the absence of their families, and without the intervention of the public prosecution department. It also came to the Commission's knowledge, via a medical source, that the total number of victims of the riots of June 1981 in Casablanca was 142, which total needs to be confirmed ;
- It also determined that 173 persons had died while in arbitrary detention or enforced disappearance in the period between 1956 and 1999, in detention centres like Dar Bricha, Dar El-Moqri, Derb Moulay Sherif, Tafnidilt and Courbiss. However, it could not determine their places of burial. 39 deaths were linked with the first years after independence in the context of the struggles between non-state actors. Another 14 occurred during the 1960s and a high number were recorded during the 1970s, when the figure reached 109 deaths. By contrast, the 1980s and 1990s saw a significant drop, with 9 cases in the 1980s and 2 cases in the 1990s ;
- In the context of the struggle in the southern regions, its investigations revealed the fate of 211 cases of persons who had been counted among the disappeared, as follows :
 - 144 persons died during the armed clashes. The identity and places of death and burial of 40 of them were determined, while the identity and places of the remains were determined in 88 cases, but without being able to discover their graves. The Commission was unable to determine the identity of 12 persons who had died, while it established that 4 persons had been detained and transferred to hospitals after they had been wounded during the clashes. They died there and were buried in ordinary graves ;
 - The Commission established that 66 persons who had not been accounted for had been handed over to the International Committee of the Red Cross on 31 October 1996.

Conclusions

- The total number of cases where persons' fate was discovered was 742 ;
- Concerning 66 cases which were examined, the constitutive elements of enforced disappearance were present and the Commission considers that the state has a duty to continue the investigations with the aim of uncovering their fate. The investigations carried out by the Commission enabled progress to be made in uncovering the truth. Therefore, the Commission recommends that full use should be made of the experience, testimonies, indicators, research methods, and the accumulated investigations, which elements are part of the Commission's archive.

A special detailed annexe will list the cases of persons whose fate is unknown according to the above classification. A body assigned to follow-up will inform the rightful claimants and the parties concerned of subsequent findings.

The following is a specimen of the cases unconnected with enforced disappearance according to evidence available.

• **Omar El-Ouassouli**

According to documents and information made available to the Commission by official sources, the above-named person travelled - in the period from the end of February 1984, when his family lost contact with him, until the early 1970s - to Tunisia, Spain and Algeria bearing Passport No. 8316, delivered on 24 May 1984 by Agadir Prefecture.

It transpired that he travelled from Spain to Algeria, where he was detained in Oran Seaport and expelled by the Algerian Authorities. On 18 May 1986 he was arrested by Oujda police in the Zouj Beghal area on the Moroccan-Algerian border but was released on 20 May 1986.

He migrated once again to Spain on 3 June 1986 and was detained in Valencia. On 2 June 1988 he was deported by the Spanish authorities to Morocco via Bab Sebta border station, on account of his illegal stay in the country. He was arrested by the police in Tetouan and released on 7 June 1988 after he had reported the loss of his passport.

According to testimonies and information made available to the Commission, a number of Moroccan nationals residing abroad claimed to have met Omar El-Ouassouli in Libya in the mid-1990s while others said that he was seen in the Netherlands.

The Commission was not able to confirm reports that he was sighted in Errachidia and Erfoud in February 2004 and that he met up with an old friend of his.

The Commission heard testimony by an official in the Ministry of the Interior who was rumoured to have provided Omar El-Ouassouli with his friend's telephone number, but the official in question categorically denied the claim.

The Commission recommends that public authorities conduct further inquiries in conformity with the rules of law applicable to enable the family to locate his whereabouts and establish contact with him.

Cases Calling for Further Inquiry and Examination

• Mehdi Benbarka

Mehdi Benbarka was abducted in Paris on 29 October 1965 by French police agents and individuals with criminal records and connections with Moroccan intelligence officials. The abduction coincided with the launch of preparations for the Summit to be held in Havana in January 1966 by the Organization for Solidarity of the Peoples of Africa, Asia and Latin America (OSPAAAL). Benbarka was the chairman of the Summit Preparatory Committee.

The Commission received two memos in connection with the case from the Party of the Socialist Union of Popular Forces (USFP) and the Democratic Socialist Avant-garde Party (PADS) on 9 February 2004 and 23 March 2004 respectively.

The Commission held a meeting with Bachir and Mansour Benbarka, who were accompanied by the family lawyer Maurice Butin. The family expressed hope that the Commission would be able, as a contribution to uncovering the truth about the incident, to determine the circumstances attendant on the abduction, locate the burial place and have the Moroccan judiciary respond to Letters Rogatory in accordance with the laws and procedural rules currently in force in France.

The Commission drafted a preparatory report concerning developments in the case and heard communications by former officials and agents mentioned in written testimonies or during legal proceedings, with a view to examining the circumstances surrounding the involvement of apparatuses of the Moroccan State as well as other States, particularly the French one, in the abduction and disappearance of Mehdi Benbarka.

Conclusions and Recommendations

The abduction took place on French soil and the French State is therefore to be held responsible. The Moroccan State is, nonetheless, under obligation to help uncover the truth, being a concerned party and in view of the presence of senior Moroccan officials, dead or retired now, in the French capital before, during and after the abduction, giving rise to a

number of questions left unanswered. Furthermore, some Frenchmen implicated in the act moved immediately after the abduction to Morocco, where they stayed until their death.

Relying on the data which the Commission has analyzed and studied, it believes that the Moroccan State is under obligation to assist in uncovering the truth about Mehdi Benbarka's case, as a concerned party, in view of the implication of one of its security apparatuses in the abduction. It is further required, by virtue of its obligations in terms of judicial cooperation, to facilitate all efforts made with regard to Letters Rogatory for the purpose of uncovering the truth about the affair.

The Commission recommends further inquiries to help elucidate the fate of the late Benbarka.

• **Abdelhak Rouissi**

Abdelhak Rouissi's family submitted to the Commission a petition requesting an inquiry to be launched into the circumstances in which their relative disappeared, including information about his political activity and the circumstances attendant on his disappearance.

As stated in the petition, Abdelhak Rouissi was abducted on 4 October 1964 from his home on Hassan II Avenue, near Oliveri Café, in Casablanca. The family was later informed of his disappearance by a friend of his.

The victim's father had previously filed a complaint regarding his son's disappearance with the Public Prosecution in Casablanca. The Bank of Morocco (Bank Al-Maghrib) in turn informed the judicial police of his disappearance but to no avail.

Upon inspection of his apartment, in the presence of his father, the judicial police found his bookshelf, wardrobe and other personal belongings scattered round the room. They also found bloodstains on the washbasin and on the victim's shirt and slippers.

According to testimony by a relative, Abdelhak Rouissi had previously received threats by policemen prior to his abduction.

In October 1998, the Advisory Council on Human Rights mentioned Abdelhak Rouissi's name in the List of 112, among a group of persons who disappeared in obscure circumstances and whose fate was unknown.

Based upon a petition by the family, the Commission's Chairman heard a witness who requested to remain anonymous. He was not an eyewitness but offered information obtained from policemen alleging to have recognized Abdelhak Rouissi in a detention centre years after his disappearance, without further elements to allow the Commission to confirm or refute the allegation. The Chairman also heard an official in Casablanca Provincial Security department who said that the person concerned had never been wanted or arrested.

The Commission has obtained new data yet to be closely examined. It recommends further inquiries into these fresh data before disclosing the findings.

• **Houcine Elmanouzi**

The Commission launched an inquiry into Houcine Elmanouzi's case to uncover the truth about his disappearance after he had been abducted in Tunisia on 29 October 1972 and surreptitiously transported to Morocco.

The Commission further collected and analyzed all information available on the case provided by the family, human rights organizations and the Advisory Council on Human Rights, information regarding Houcine Elmanouzi's abduction, detention in an illegal detention centre, and his escape and disappearance after he was recaptured.

The Commission held a meeting with the family on 11 March in the Commission's offices, in the presence of the family lawyer. During the meeting, the family offered the information available on their relative up until 19 July 1975, the day when he was recaptured after he had escaped from a detention centre which the family alleged to be Fixed Point (PF) 3.

Among the documents which the family submitted to the Commission was an unsigned death certificate delivered to the family by the Advisory Council on Human Rights attesting that he had died on 17 July 1975.

The family called for the clarification of their relative's fate after this date and provided the Commission with the names of witnesses to be heard in connection with the case.

Thereupon, the Commission heard testimony by the sons of the then Mokaddem (one of the Caïd's subordinates) in Ain Aouda on the outskirts of Rabat, alleging that :

- This Mokaddem and one of his sons participated in the search for Houcine Elmazouni and a person named Harouch Akka after they had escaped from the detention centre where they were held. Investigations conducted by the Commission led to the discovery that the Mokaddem had been hiding the escapees in a place near his home while the search was underway ;
- Houcine Elmanouzi, who was then accompanied by the Mokaddem, the authority agent referred to above, was arrested by the Gendarmerie on Saturday 19 July 1975 at approximately 20:00 in Ain Aouda ;
- The Mokaddem was arrested by the Gendarmerie in the afternoon of 20 July and his house was searched.

The Commission also heard testimony by a café owner who served Houcine Elmanouzi and the Mokaddem dinner on the day of Houcine's recapture. The café owner was also

detained the following day and brought to the Gendarmerie post in Ain Aouda to identify and confront Houcine Elmazouni before he was released the following day.

The Commission received a letter from the Gendarmerie stating that Houcine Elmanouzi was detained in the Ain Aoueda Center on 16 July 1975, but was later turned over to the competent authorities.

The Commission further heard officials and agents who had been assigned in the past to guard duty at the “fixed point” where Elmanouzi was supposedly held when he was arrested. When it conducted a visit to the said location and heard an eyewitness who was on guard duty at the time, the Commission was able to establish the following :

- The victim was held in PF 4 ;
- The victim managed to escape from PF4 but was later recaptured and brought back to there, where he remained in detention until August 1975 along with six other persons after the detainee who was on the run with him had been killed ;
- Three of the detainees held in this centre were transferred to Tazmamart detention centre but the place where the victim was transferred remained unknown.

The Commission was not able to find any official documents or testimonies that might help unveil the victim’s fate.

After an assessment of available information, the Commission came to the conclusion that an organ or organs of the State was/were responsible for the victim’s enforced disappearance.

Based upon the afore-mentioned particulars, the Commission recommends further enquiries to unveil the victim’s fate.

VI. Special Issues and Cases

1. The Case of the Two Booby-trapped Parcels

The Commission received a memorandum from the Socialist Union of Popular Forces (USFP) requesting an investigation into an attempted murder which targeted two party members. In the morning of 13 January 1973 two booby-trapped parcels were sent to Mohammed El Yazghi and Omar Bendjelloun. According to the memo, one parcel went off in Mohammed El Yazghi’s hands, causing him serious injuries, while the parcel sent to Omar Bendjelloun did not explode.

Going through relevant documents, the Commission was able to establish the following :

- Both victims received the parcels at the same time, although they were sent on different dates, to Mohammed El Yazghi from Rabat and Omar Bendjelloun from Casablanca ;
- The assassination attempt targeted two political and media personalities ;
- The timing of the parcels coincided with the execution of the military officers implicated in the 1972 coup.

Although it was not able to unearth conclusive evidence, the Commission was of the opinion that some security apparatuses or officials were probably involved in the attempted murder of Mohammed El Yazghi and Omar Bendjelloun.

2. Abdellatif Zeroual

Abdellatif Zeroual's family submitted a petition requesting an investigation to be conducted to uncover the truth about their relative's death, attaching therewith the following documents :

- A memorandum from the family lawyer ;
- Two copies of a report by the Chief of the Judicial Police National Brigade relating to Abdellatif Zeroual's death ;
- A copy of an unsigned death certificate delivered by the Director of the Ibn Sina Hospital regarding a person named Abdellatif Ben Abdelkader ;
- A letter sent in reply (dated 13 March 1986) by the Director of the Ibn Sina Hospital in which he refused to deliver a death certificate in the name of Abdellatif Zeroual on the ground that the deceased's name was Abdellatif Baroudi ;
- A copy of a death certificate (dated 13 March 1986) delivered by the Director of the Ibn Sina Hospital and bearing the name of Abdellatif Baroudi ;
- A copy of a letter, dated 27 February 1996, addressed by the State Prosecutor to the President of the Court of First Instance requesting the issue of an order attesting the death of Abdellatif Zeroual ;
- A copy of a Court Order to record the death (20 March 1996).

According to information in the file, Mr. Abdellatif Zeroual was arrested on 5 November 1974 and was later transferred to the Ibn Sina Hospital in Rabat where he died on 14 November 1974. The Chief of the Judicial Police National Brigade confirmed the death but did not specify the burial place.

To uncover the truth about this case, the Commission conducted investigations depending on :

- Perusal of the Rabat Mortuary register ;
- Perusal of the Emergency Unit Register in the Ibn Sina Hospital ;
- Perusal of the Mortuary register in the Ibn Sina Hospital.

The name and date of death of the person was the same (Berroudi Abdellatif ; 14 November 1974).

The Commission further heard testimony from the employee assigned to receive, nurse and attend to the detainees in the Ibn Sina Hospital in Rabat.

The Commission recommends further enquiries to locate the place where Abdellatif Zeroual's body was buried.

3. The Assassination of Omar Bendjelloun

After it had examined the memo submitted by the political party to which Omar Bendjelloun was affiliated and held a work session with family members, the Commission learned that he was stabbed to death on 18 December 1975 on the public way near his home in Casablanca. He had previously been harassed and prosecuted, and several court judgments had been issued against him, including a death penalty. He had been targeted on 13 January 1973 by an assassination attempt with a booby-trapped parcel which he managed to defuse.

Immediately after the murder, one of the assassins was arrested with the help of passers-by. Other perpetrators, whether principals or accomplices, were later arrested.

The trial lasted for a long period of time and went through many episodes. It transpired during the trial that the person who played a major role in the planning and the perpetration of the crime was not brought before the court although an arrest warrant was issued and there was circumstantial evidence that he was present on the national territory long after the crime had been committed. It further transpired that official documents had disappeared from the case file but the court failed to conduct an enquiry into the matter or even respond to a request for an investigation. This leads to the conclusion that the enquiry conducted into the case and the trial held regarding it lacked the necessary impartiality. As a consequence, only the perpetrators were brought to the court and punished while the masterminds were spared. There are therefore still some missing and obscure links in the case, even though a court ruling has been issued.

Such facts constitute in themselves strong, comprehensive and congruent circumstantial evidence of interference with the course of justice, which had a negative impact on the case investigation, enquiry and judgment procedures.

4. Violations to which Moroccan Immigrants were Subjected

Upon analysis of the files submitted and the investigations conducted by the Commission, it transpired that five main centres were used for the detention of Moroccan immigrants : the Complex, Dar El-Mokri, Derb Moulay Cherif, Courbiss and Gourrama.

The Complex had been operational as a detention centre intended for Moroccan immigrants as early as 1972. It was not, however, until 1973 that it began to be freely used for the purpose, reaching its busiest over the period from 1973 to 1975-1976, according to testimonies by former victims who were detained in the aftermath of the incidents of March 1973. The last case connected with the centre goes back to December 1986 (the case of a Dutch MP of Moroccan origin). Based upon a sample of 169 persons used as a basis for investigation and analysis, 19 persons were found to have been held in the Complex. Among these, 11 persons were arrested in the period between 1962 and 1974 to be held in Dar El-Mokri.

Twenty-two persons were held in Derb Moulay Cherif centre, also used for the detention of Moroccan immigrants, particularly in 1973. 10 persons were held in Courbiss.

Arrests of immigrants took place at airports, Tangier Seaport or relatives' homes in Morocco. Victims were later taken to regular or illegal detention centres across the country.

Some would remain for a week or two in some of these centres before being transferred to the Complex, Derb Moulay Cherif and Courbiss. Others were arbitrarily held for a long period of time in temporary detention locations.

According to investigations conducted by the Committee, it appears that some consular services and Moroccan expatriate associations (amicales) provided lists of persons known for their political, trade union or associational activities.

Chapter Five

ANALYSIS OF VIOLATIONS AND RESPONSIBILITIES

The Commission sought to explain the circumstances attendant on the events during which the grave violations of human rights occurred, by depending upon in situ investigations and communications from victims and witnesses, and conducting academic studies and research. The types of information relied on in analyzing these violations and the responsibilities of the state apparatuses vary along with the tasks entrusted to the Commission and the activities that it carried out to interpret these tasks on the ground. The main sources depended upon in this field are the following :

- Information and data found in the files submitted to the Commission ;
- Testimonies given during public hearings by former victims ;
- Individual or group testimonies given by former victims or witnesses who were not victims during closed sessions organized by the Commission either in its main office or during field visits to the regions harmed as a result of the occurrence of the grave violations ;
- Testimonies given by officials who had formerly been entrusted with responsibilities relating to guarding or managing the affairs of detention centres ;
- All information available concerning the detention centres and the places that saw the occurrence of grave violations during the period falling within the temporal competence of the Commission, whether obtained during on-site visits or through perusing the official archive ;
- Conducting academic studies and analyzing the legal context in which these violations were committed, as well as perusing all writings already available on the subject.

1. Enforced Disappearance

The lack of a precise definition of enforced disappearance in Moroccan law, in addition to the fact that it is a combination of violations resulting in the infringement of all internationally protected human rights, chief among which is the right to life, led to it being given many descriptions including “those of unknown fate”, “abducted - fate unknown”, and “abducted”. However, these descriptions do not include only enforced disappearance according to the internationally recognized definition, but also refer to other forms of arbitrary deprivation of freedom, which lead in many cases to the deprivation of the right to life. This is either because of abuse of authority or because of the disproportionate or excessive use of public force when facing civil disturbances, or as a result of exposure to torture and ill-treatment, or through armed confrontations.

What increases this confusion is the presence of some of the constitutive elements of enforced disappearance in some cases of arbitrary detention, including in particular the length of it, the concealment of the place of detention, and the refusal to disclose the fate of the person who has been deprived of his freedom.

The Commission during its treatment of the truth of enforced disappearance and fixing responsibility for it faced great expectations on the part of society and the families of the persons involved. It also found itself face to face with diverse and exceedingly complicated cases along with a lack of any information that might help to harmonize the facts depended on as constitutive elements of the crime of disappearance.

By analyzing the disturbances and the events linked to the cases of enforced disappearance that had been proved by the Commission, we could say that this violation was resorted to as one form of repression, in order to intimidate and instil fear in political opponents and society.

Thus by virtue of analyzing the files submitted to it and the results of the investigations that it carried out into cases of disappearance, the Commission came to the conclusion that enforced disappearance was practised against individual or collective persons in connection with political disturbances usually occurring during the temporal competence of the Commission. This allowed it to finally consider the cases in question as cases of enforced disappearance in accordance with the definition found in its statute. However, it recorded other cases of disappearance in which the victims involved had no direct connection with political, associational or trade union activity. Most of the time, these cases occurred in special circumstances.

In addition, through its analyses of cases of enforced disappearance subject of its remit, the Commission established that this deed was generally committed against isolated individuals after they had been abducted from their places of residence or in unspecified circumstances, and after they had been detained in illegal places.

However, violation and disdain of the provisions of the law reached its nadir when enforced disappearance was practised on individuals who were detained in a regular prison (the Central Prison in Kenitra), and then transferred to military barracks. This was the case of the former servicemen implicated in the two attempted coups who were abducted from the Central Prison in Kenitra on 7 August 1973. They were conveyed by air towards a destination that remained secret for a long period, and it will later become clear that it was the military barracks in Tazmamart. This abduction constituted an unprecedented violation of Article 653 of the Code of Penal Procedure that states that “nobody shall be held in preventive detention or pursuant to a custodial penalty except in a penitentiary and by virtue of a legal warrant, or a committal order, or a sentence or conviction”.

In the context of the trial relating to the events of March 1973, the persons whom the military court ruled to be innocent on 30 August of that year, after they had been prosecuted on a charge of endangering the external security of the state, totalling 71, were abducted from the regular prison where they were detained without completion of the legal procedures to lift the state of detention. They would then be conveyed to the military barracks in Temara where they would remain in detention for all of about six months under guard by members of the Royal Gendarmerie, agents of the Rapid Intervention Forces, the Auxiliary Forces attached to the Ministry of the Interior, and the Royal Armed Forces. A number of them were subjected to interrogation by the judicial police before being conveyed once more to the central prison. Some of them were released and others again were finally transported to other secret detention centres that remained unknown for a long period.

Thus, individuals who had been pronounced innocent by justice and who were under the protection and responsibility of the Ministry of Justice and its Department of Penitentiary Administration found themselves arbitrary victims of abduction by one of the state security apparatuses.

Again, a number of persons were abducted following the events of March 1973 and detained in warehouses attached to the military barracks situated at Casablanca Anfa Airport that had been converted into the secret detention centre called Courbiss. It was guarded by agents attached to different security apparatuses. A number of the detained were prosecuted before the courts ; others were released, while others again were detained in other irregular detention centres.

It thus transpired that in addition to the detention centre in the Tazmamart barracks, which saw the detention of members of the military, other military barracks were used on numerous occasions as detention centres. In these cases, and insofar as it has been proved that persons who were being detained in the latter two barracks had disappeared during a short period, the Commission concluded that the persons involved were victims of enforced disappearance.

One of the pointless aspects of the phenomenon of enforced disappearance in our country was the detention of five school pupils during 1976 and 1977 in the Kelaât M'Gouna detention centre for a period of four years, an act committed after some of their companions had been brought to trial. The same applies to the detention of the members of the family of Mohamed Oufkir, who was implicated in the attempted coup of 1972, six of whom were children at the time of their 'disappearance' ; they were held in separate cells and were not allowed to meet together for ten of the twenty years that they spent in detention.

In addition to the above, the phenomenon of enforced disappearance in our country was characterized by the following features :

- Most of those detained remained alive. This means that we must look again at the belief, which prevailed in international law before the fate of most of those who had disappeared in our country was uncovered, that enforced disappearance necessarily leads to the elimination of the victims by the perpetrators ;
- The centres used for purposes of detaining victims of enforced detention are regular centres attached to state apparatuses, and were not secret centres in the narrow meaning of the word because they were known to the inhabitants of the regions neighbouring them, who in turn were harmed by their use for purposes of detention. For the most part, they were kasbahs and historical monuments ;
- The multiplicity in most cases of the apparatuses responsible for the disappearance. While the act of arrest was carried out by a specific apparatus, the victim was handed over to another security apparatus, and indeed by more than one apparatus in some cases when the victims were transferred from one centre to another. Moreover, the responsibility for guarding and managing the centres which housed the detainees fell on another apparatus. It is therefore certain that the responsibility for the cases of enforced detention that occurred in our country is shared between different security apparatuses including those charged with security in circumstances when that was required. The main apparatuses involved are National Security and all the other apparatuses attached to it, the Royal Gendarmerie, the Royal Armed Forces, and the Auxiliary Forces.

2. Arbitrary Detention

In contrast to forced disappearance, whose objective is to deprive the victim of any legal protection, since all its constitutive acts are committed outside the scope of the law, without any heed whatsoever to its requirements, arbitrary detention usually occurs within the framework of the law, with contravention of some or all of its requirements. In our country this was usually done by violating the legal provisions regulating placement in custody. Thus arbitrary detention, as described above, was practised in our country in a systematic manner since the beginning of the 1960s, especially in cases of a political character falling within the competence of the ordinary courts. We could say that the practice of arbitrary detention was achieved, in fact, by granting the public prosecution departments and the judicial police a broad authority exceeding the recognized authority of the courts of appeal and the courts of first instance, which are obliged to pronounce freedom-depriving sentences within the limits laid down in the Penal Code.

The question of the validity of this procedure was first brought before the Supreme Court in the case relating to the prosecutions for prejudicing the integrity of the state that was submitted

to the Chamber of Felonies in Marrakech in 1971. The appeal focused on the decision of the pre-trial chamber (indictment division) of the Marrakech Court of Appeal ruling to reject the plea of the defence to nullify the police transcripts taken following placement in police custody for an unlimited period. However, the Supreme Court rejected this appeal, thus enshrining the legality of unlimited detention in the context of the preliminary investigation conducted by the judicial police.

2.1. Violation of the legal provisions regulating placement in custody

By analyzing the cases submitted to it and the trials of cases of a political character, the Commission managed to uncover aspects of violations that trampled on the legal provisions regulating the period of detention prior to the trial while the suspect was in custody including in particular :

- The transcripts of the judicial police were not accompanied by a written permission that would allow checking of the validity of the extensions, permission for which should, according to the provisions of the law, only be given in writing. Neither the pre-trial chamber, before its suppression, nor the Supreme Court gave this dangerous loophole the importance it deserved ;
- Insofar as the number of necessary custody extensions that may be permitted during one month when the investigation involves prejudice to state security is 15, the number of permissions that may be granted in one year is more than 180. And in cases when the period of placement in custody lasts a number of years, the number of extensions that may be granted can be counted in the hundreds. Since every written permission requires, in principle, that the officer of the judicial police contact the public prosecutor's office, it is clear that the legal procedures were not respected. Moreover, the lawyers were not permitted to peruse the documents permitting the extension, not to mention that the law does not require that it be produced along with the police transcripts ;
- This all tends to lead to the belief that the public prosecutor's office was not exercising any effective supervision of the officers of the judicial police. In addition to this, the date of arrest was usually falsified. Lawyers did not cease to raise this deficiency with the support of documents and evidence, but the final outcome of this step was systematic rejection ;
- The interrogation, which was systematically carried out under torture was usually intended to obtain answers confirming the questions that were posed and discovering the names of "the co-perpetrators". The officers of the judicial police entrusted with preparing the transcripts usually instructed those being interrogated to make their

statements according to the slant demanded on the basis of the questions posed during the interrogation, under threat of resuming the torture sessions. At the end of the period of detention, the persons placed in custody were asked to sign the transcript, under duress once more, without being allowed to read it, since usually they would be blindfolded.

- Information and testimonies available to the Commission indicate that persons in custody were brought before the judicial authority with their hands bound and blindfolded ; their bonds and blindfolds were only taken off at the door of the judge's office. Many persons brought before the judicial authority were so affected by the shock of being tortured and the conditions of custody that they were unable to grasp that they were in court. So their preliminary statements, given in the absence of a lawyer, were sometimes influenced by fear that torture would be resumed.

2.2. Violation of other legal provisions relating to conditions for a fair trial

In addition to the above, we can say that the arbitrary character of detention also compounded by other violations like the failure to respect the procedure regarding arrest warrants and orders to produce the accused, the failure to inform the family, failure of judicial oversight and appeal, and infringement of the physical or mental safety of the persons detained.

It is worth mentioning that according to the law and outside the context of arrest based on an order of committal to a penal institution issued by a judicial authority, arrest of a person by the judicial police forms part of the preliminary investigation or comes pursuant to a Letter Rogatory ordered by the examining magistrate. In any case, the disproportionate use of force cannot be justified unless the person resists arrest.

In the light of the testimonies of victims and their relatives, the Commission discovered that the persons arrested in cases of a political character were not in fact simply arrested. Police agents, who were usually dressed in civilian clothes, would surround the residence of the person being searched for and break into it with unjustified rudeness at any time they wanted, usually at night, and without revealing their identities. The purpose behind that was to instil terror in the other members of the family. After arrest, the person searched for was thrown into a car, usually an unmarked one. Either a blindfold was placed over his eyes or the hood of a jellaba was pulled over his head to prevent him from knowing which direction the car was going in.

The 1959 law does not state that the person detained must be informed of the reasons for his arrest or that the family must be informed of the arrest. The legal supervision entrusted in law to both the public prosecution and the president of the pre-trial chamber until 1974,

and the president of the Chamber of Misdemeanours in the Court of Appeal subsequently, remained in practice without implementation.

The main distinctive of being placed in custody is the secrecy that surrounds it, especially in prosecutions for felonies and misdemeanours of a political character. The family of the person involved knows nothing about his fate. And in state security cases, every exceptional attempt to obtain information from the judicial police or one of the national security departments concerning the person detained ended in failure. Indeed, it could be a source of problems and difficulties for the person who made the attempt. The same was true for the efforts to obtain information from the public prosecution, which should have been overseeing the judicial police.

However, the relevant legal provisions were subject to revision in 1991, and now stated that the officer of the judicial police must inform the family of the person arrested as soon as a decision is taken to place him in custody. This officer is also obligated to send daily to the crown prosecutor and the crown prosecutor general a list of the names of the persons placed in custody during the previous 48 hours. Nevertheless, respect of the duty relating to informing the family remained liable to violation as long as the text did not state penal or disciplinary sanctions against those who failed to fulfil this duty.

2.3. Conditions of detention

Concerning conditions of detention in the period prior to the trial, when the detainee was supposed to be placed in custody, we can say in general that it was characterized by the following :

- The detained person was forced to remain continuously from the time he arrived in the illegal detention centre, with the exception of those periods when he was subject to torture, in a fixed position, either sitting or lying prostrate on the ground with his hands bound and his eyes blindfolded ;
- Talk or communication between the prisoners was forbidden ;
- They were fed badly both in terms of quality and quantity ;
- They were allowed to go only rarely to the bathroom, according to the whim of the guards ;
- Basic hygiene was lacking and the detained person was only allowed to shower after months of detention. This situation caused women great psychological suffering, especially during menstruation. Lice were widespread and the insecticides used on some occasions to deal with them were ineffective.

2.4. Places of Arbitrary Detention

Information obtained from victims, from eye-witnesses heard, and from in situ examinations carried out by the Commission, enabled it to locate a number of places and centres that were used for purposes of arbitrary detention. It became clear to the Commission that, during the periods when the grave violations occurred, some security apparatuses worked to keep control of them to ensure that the violations committed in them were covered up. This cover-up also included the hospital wings used for admission of victims of torture and the places of burial of victims who died. Of these centres the Commission discovered the following :

• **Functional centres**

By this are meant centres used for the detention and interrogation of persons in cases of a political character including :

The 7th police arrondissement during the 1950s (Septième)

Inside this building, which during the protectorate period was the central police station, was a special wing containing the first secret service section of the state following independence, in the knowledge that up to that time the police were trained by the French in the south and the Spanish in the north. This department, which was attached, like the other facilities of the building, to the State Security Department, was under the supervision of former members of the Resistance.

The Derb Moulay Cherif Police Station in Casablanca

Since the end of the 1950s, this was used for purposes of arbitrary detention ; since its establishment it was attached to the National Brigade of the judicial police. Most of those detained in cases of a political character were detained there. It was used as a detention and torture centre in the period between 1959 and 1991. Although the centre was attached to the judicial police, which was in charge of organizing the detention of prisoners, other security bodies sometimes carried out interrogation and torture there. Guarding the centre was carried out in turn by four teams of guards attached to the third and fourth mobile units. The number of detainees held in the centre ranged between 40 and 300 depending on the period.

As soon as the detainees arrived, they were stripped of their civilian clothes and dressed in (khaki) military clothes, a shirt and trousers. During the 1960s the detainees, both men and women, slept directly on the floor. In the 1970s, male detainees were given the right to two blankets and women detainees the right to use camp beds.

During the period of detention, which could vary between days and years, the detainee lost all contact with the outside world (family, lawyers, the press), and he was forced to remain in a squatting position and forbidden to talk with other detainees.

Derb Moulay Cherif became famous for using different types of torture on detainees.

Ordinary police stations

Sometimes preliminary interrogations were carried out in ordinary police stations before transporting the detainees to a functional or non-functional place for detention including :

- The Rapid Intervention Force centre in Laâyoune ;
- The premises of the Royal Gendarmerie, which were usually transit points.

• Non-functional residences

The Complex (Le Complexe)

This is a building situated in the middle of a residential neighbourhood occupied by officials attached to the police corps in Ma Al-Aynain Street in Agdal, near the fire station and the Ibn Sina Hospital, in the city of Rabat.

It was used as an arbitrary detention centre until the beginning of the 1970s. Its busiest period was between 1973 and 1976, especially after the events of March 1973. According to data available to the Commission, the last case of detention there was that of a Dutch MP of Moroccan origin.

The centre consists of a building with locked windows overlooking the fire station and a garage for repairing police vehicles.

The Courbiss Centre

This is found in Casablanca close to the El-Jadida Road (near the Law School), and to be exact within the grounds of Anfa Airport. It is a sort of hangar built in the 1930s to repair French military aeroplanes. It consists of four very large storerooms with a high zinc roof. In the middle of each is a raised slab of reinforced concrete that was used to lower aircraft engines onto when they were being repaired.

During the first half of the 1970s it was used as a detention centre, and especially in the period between February 1973 and April 1974.

The Fixed Points

The fixed points were sort of detention centres in regions situated in the Casablanca-Rabat area used by the intelligence service known as Cab 1 for detention, interrogation and torture. The Commission conducted field visits to some of them, including :

- PF2, known as Dar El-Moqri. It comprises the former residence of El-Moqri in Rabat and was used as a detention centre during the 1960s until the beginning of 1973. The house was destroyed and the estate in its entirety was converted into a headquarters for the new apparatus, “the General Directorate of Studies and Documentation” (DGED).
- PF4 was a villa situated in John Kennedy Street (Zaer Street) in Rabat. Mistakenly, this became famous as the third fixed point, since it contained cells in which were detained Houcine Elmanouzi, the Boureqat brothers and four officers from April 1973 until the beginning of August 1973.

3. Torture and Ill-treatment

The analysis of data contained in files submitted to the Commission, as well as oral testimony given during open and closed hearings organized at the headquarters of the Commission, revealed different means used in a systematic manner to torture detainees in order either to extract confessions from them or to punish them during the period falling within the remit of the Commission. Comparisons carried out between the descriptions given by the victims enabled the Commission to reach the following conclusions :

- Methods of torture were used that varied according to their nature, all aimed at causing physical or psychological pain, or both ;
- Among the forms used to inflict physical pain, the following can be mentioned :
 - “Suspension” in its different forms, accompanied by beatings on the soles of the feet or other parts of the body ;
 - Burning with cigarettes ;
 - Pulling out finger and toe nails ;
 - Forcing victims to drink polluted substances ;
 - Forcing victims to sit on a bottle.

In addition to the psychological harm and physical pain resulting from this, in some cases these methods caused serious injuries leaving psychological scars and permanent disabilities. In fact, in specific cases the severity of the torture practised resulted in death. Among the methods used to cause psychological pain to both male and female detainees, the following can be mentioned :

- Death threats ;
- Threats of rape ;

- Insults, defamation and the use of all other means that might demean dignity ;
- Fettering the hands and blindfolding the eyes with the aim of preventing sight and movement ;
- Isolation from the outside world and the insecurity that results ;
- Deprivation of sleep ;
- A total ban on conversation with other detainees ;
- Torturing a family member or relative, or threatening the same.

We could say that the practice of torture was the preferred method adopted to interrogate detainees in cases of a political character. Its purpose was no longer just to extract confessions but also to punish, to take revenge, and to physically and mentally humiliate the suspect. It is worth mentioning that the desire to obtain confessions by any means, capriciousness, and lack of professionalism were all factors that helped to broaden the scope of torture to include individuals being prosecuted for common law crimes.

In addition to the various forms of torture mentioned above, the women's suffering was more acute in that during the period prior to prosecution, they were subject to special forms of torture. This is due to the fact that women are tortured by men without any consideration for the dignity of the victim. Sometimes women are forced to stand naked in front of their torturers with all the accompanying danger of rape and the threat of it both as an apprehension and as a reality.

Women's suffering is increased when they are deprived of toilet facilities during menstruation as a means of intensifying the torture.

4. Excessive and Disproportionate Use of Public Force

The analysis of data and information culled from different sources concerning the grave violations falling within its remit, as well as the investigations carried out, enabled the Commission to uncover the responsibility of the different security apparatuses for those violations in most of the cases submitted to it. Indeed, in many cases it was proved to the Commission that there was joint responsibility, and in some cases solidary responsibility among numerous apparatuses. To facilitate the analysis of the political and legal responsibility arising from the actions and the interventions of those apparatuses, it is worth remembering the legal systems regulating them.

4.1. Legal Regimes Governing Security Apparatuses

The Civil Service Statute : The Civil Service Statute stipulates that an official shall carry out the duties assigned to him and shall be held accountable to his superiors for the powers with which he is invested and for the execution of the orders issued to him (Article 17). The Statute does not make any distinction as regards the nature of such orders¹³. It further stipulates that civil servants shall be protected from threats, personal attacks, flagrant insults, defamation and assaults of which a public servant might be victim while discharging his duties (Article 19). The Statute does not, however, conversely lay down any obligation as to the respect and protection of citizens' rights from any eventual abuse.

The legal regime governing security apparatuses

a. The General Directorate of National Security

The Directorate is divided into three main departments : National Security, General Intelligence, and the Judicial Police. In addition, it also has a record keeping department. The Dahir of 16 May 1956 does not contain any provision regarding the Directorate's relations with the Minister of the Interior. It has always maintained a degree of independence, which varied according to the prevailing circumstances and the official who was entrusted with managing it. The Decree of 9 April 1973, which lays down a special regime for this directorate, granted National Security officials a special public servant status in view of "the special duties assigned to them and the exceptional responsibilities they assume". The regime does not impose on these officials any obligation vis-à-vis citizens.

b. The Royal Gendarmerie

Being part of the Royal Armed Forces, the Royal Gendarmerie is under the army's control and therefore subject to military rules. It becomes, however, subject to the provisions of the Code of Penal Procedure when it takes up its judicial police duties. Under the Dahir of 24 April 1957, creating the Gendarmerie, the apparatus is assigned the duties of ensuring national security, maintaining order and enforcing the law. It is under the Minister of Justice as regards its judicial police duties and under the Minister of the Interior as regards its administrative police duties. Pursuant to Article 7 of the Dahir of 14 January 1958, the Gendarmerie is assigned ordinary duties but also other extraordinary ones which it carries out whenever commissioned or requested to do so by the various authorities. The Gendarmerie exercises constant surveillance "to forestall any infringement of public order and suppress

¹³ Dahir No. 1-58-008, dated 24 February 1958 (official Gazette dated 11th April 1958)

the perpetrators of such infringement whenever necessary”. Surveillance targets perpetrators of all types of crimes, including persons described under this law in loose terms as “immoral and of uncertain allegiance” (Articles 6 and 102, *ibid*). Under the above law, however, any act carried out by a member of the Gendarmerie “in infringement of personal liberty or the liberties recognized under the law” is deemed an abuse of power warranting judicial and/or disciplinary proceedings (Article 55).

c. The Directorate of Surveillance of the National Territory (DST)

Created pursuant to the Dahir of 12 January 1973, the directorate came under the control of the General Directorate of National Security pursuant to the Dahir of 2 January 1974, amending the creating dahir, after it had previously been attached to the Minister of the Interior. It is charged with ensuring “the protection and safety of the security of the State and its institutions”. The Director, appointed under a dahir, lays down the rules for the work of the department and the duties of its divisions and units.

d. The Rapid Intervention Forces

Created pursuant to a Residency General decision, dated 26 January 1956, to replace special police squads, this security apparatus is under the Ministry of the Interior’s control but is not subject to any special regime.

e. The Auxiliary Forces

Subject to the Dahir Law issued on 12 April 1976, this apparatus is assigned the duties of maintaining public order and security concurrently with the other public order forces. It is organized into intervention units which could be called in at any time and at any place on the national territory. The Auxiliary Forces are subject to military regulations and under the tutelage of the Minister of the Interior. Walis and governors are assisted by prefectorial commands entrusted with supervising the Auxiliary Forces Units.

The Responsibility of Walis and governors for maintaining public order

f. The Memorandum of 1959

The Memorandum¹⁴, dated 3 January 1959, relates to the maintenance of public order and to requisition. It is addressed to the governors of prefectures and provinces, and reminds these governors in particular of their responsibilities for the maintenance of security, emphasizing the duty of “ensuring the protection of life, preserving citizens’ material property and spiritual

¹⁴ Official Gazette dated 16 January 1959, p. 90.

heritage”, and preventing any disruption which might infringe upon such property and heritage. In case public security is disrupted, all law-enforcement elements who might assist “consecutively or simultaneously will be placed at their disposal according to specific conditions”:

- The Auxiliary Forces will be placed at their disposal “upon the eruption of incidents in breach of public order” ;
- The Gendarmerie, “upon the eruption of disturbances which the Police and the Auxiliary Forces are not able to suppress” ;
- The Royal Army, “upon the eruption of serious disturbances, rebellion or disobedience”.

In such cases, requisition shall be effected in writing and shall specify the location, the time and the general instructions. As to the choice of the means to be used in the intervention, it will be left to the discretion of the military authorities. However, in case of extreme urgency, intervention may be requested by telegraph or telephone, conditional upon the confirmation of such request in writing. Each and every operation conducted shall be subject to a report to be addressed immediately by telex to the Minister of the Interior. Strangely enough, this memorandum was published in the Official Gazette despite its in-house nature. It was applied during the incidents of March 1965. Until 1977, a governor’s prerogatives were not made the subject of a legal text.

g. Governors’ Powers as from 1977

Pursuant to the Dahir Law dated 15 February 1977, a governor is charged with “maintaining order within the prefecture or the province. He may make use of the Auxiliary Forces and the Police Forces and may request the assistance of the Royal Gendarmerie and the Royal Armed Forces in accordance with the conditions stipulated in law” (Article 3)¹⁵.

It should be noted on the one hand that the conditions and formalities governing use of force by law-enforcement officials were not specified under the law, and that, according to information obtained, it was the central political authorities that decided and engineered recourse to army forces during civil disturbances, on the other.

4.2. General Conclusions about Violations Resulting from Disproportionate Use of Public Force

Human rights covenants and agreements guarantee the right to life as a basic right on which all other human rights are based. It is also one of the rights which are not subject to

¹⁵ Dahir Law No. 1-75-168 (25 Safar 1397), published in the Official Gazette dated 16 March 1977, p. 341.

restriction or limitation at any time whatsoever, including times of war or states of urgency or emergency.

Analysis of the files presented to it concerning the events occurring during the years 1965, 1981, 1984 and 1990, the investigations and the studies carried out by the Commission, enabled it to reach the following conclusions :

- Those disturbances saw the commission of grave violations of human rights mainly represented in infringement of the right to life of a number of citizens including children and also persons who had no involvement in those events ;
- Those violations resulted from a failure to abide by international standards and principles in the field of human rights concerning the conditions and limitations on the use of public force. This led to the disproportionate and excessive use of this force resulting in deaths ;
- The results of the investigations carried out, as well as the analysis of the events linked to those disturbances enabled the Commission to uncover the fact that the authorities opened fire with live ammunition, and failed to resort to other methods in order to disperse the demonstrations without causing deaths ;
- Evidence from different registers and testimonies relating to the incidents in question show that many victims died as a result of gunshot wounds in the skull, the rib cage or the abdomen ;
- The Commission registered a significant number of children among the dead, some of them no older than ten years old ;
- In some cases, the apparatuses intervening opened fire into houses through open windows or through doors, and hit people including children, old men and women, some of whom died as a result of bullet wounds. These facts are corroborated by testimonies presented before the Commission, as well as by mortuary registers, which establish the occurrence of cases where corpses were removed from inside houses ;
- When they removed the corpses of those who had been wounded while inside their houses, the intervening apparatuses prevented the families of the deceased from knowing where their bodies had been taken. In addition, the place of burial was concealed. Indeed, the authority refused to record the dead in the death registers held by the offices involved ;
- Officials refrained from offering help and assistance to wounded citizens, including children who died as a result of gunshot wounds ;

- The Commission recorded actions committed by the authorities that in some cases demonstrated lack of respect for the dead, shown by transporting them in lorries in a manner that gave no weight to their inviolability ;
- The Commission uncovered the places of burial of victims of civil disturbances in numerous cases, and recorded that in these cases the burials, although they took place in regular cemeteries and the appropriate religious rituals were observed, were carried out by night without the families being notified and without their being present in most of the cases recorded. On other occasions, the Commission recorded cases where these rituals were not respected and the victims were not buried in a regular manner ;
- In all the cases investigated, the Commission confirmed that the security authorities did not notify the public prosecution department of the deaths or of their number and causes, except in one case. This was the reason why the burials took place without the knowledge of the public prosecutor's office and without the medical authorities carrying out the autopsy prescribed by law. Moreover, the public prosecution did not seek to open an investigation into the said events, despite the issue of official communiqués concerning them which stated that there had been fatalities ;
- The official communiqués that were published following all these events, with one exception (Nador 1984), systematically included information that did not conform to the reality concerning the number of fatalities and their causes.

5. Conclusions and General Deductions

The mission that the Commission undertook in implementation of its mandate constituted a significant step in promoting the right to know the truth through the unusual means and forms it devised, which helped to increase the likelihood of uncovering the truth about the grave violations of human rights which our country witnessed during the previous period.

The oral testimonies, as one of the sources used by the Commission, helped to clarify the circumstances surrounding the facts linked to the events object of its investigations. However, in some cases, their limited and fragmentary nature was apparent, when the same events were talked about in different and sometimes contradictory ways by those who had experienced them. This meant that they were only partially helpful in uncovering the truth in specific cases. This obstacle was overcome by cross-checking the data found in these testimonies with information derived from other sources, especially official documents and registers.

The latter helped to reveal the truth about numerous aspects of files and cases concerning which it would not have been easy to reach an opinion without comparing the plentiful and varied information concerning them with what is recorded officially in the registers kept by different public offices. However, on numerous occasions the Commission uncovered the miserable state of the archive, in addition to the lack of a unified legal framework to regulate and organize it, and to manage access to it and provide for sanctions for damaging or destroying it. Nor was it able to peruse a part of the official registers which should have been available either because of hesitation about or delay in handing them over, or because the fixed deadline it was working to prevented it from fully exploiting the documents and registers of the archive that some institutions agreed to put at its disposal. (The military archive relating to the history of the armed struggle in the southern provinces of the Kingdom).

The efficient cooperation of central and regional offices of the Ministry of the Interior enabled the Commission to benefit greatly from the facilities made available to it. This cooperation also helped the Commission to reach numerous witnesses of different administrative ranks and grades whose testimonies helped uncover many facts.

In addition to that, regular work sessions were held with the General Directorate of Studies and Documentation and the General Directorate of National Security, which helped to open new paths of investigation concerning a number of cases by facilitating the process of hearing some former officials and facilitating visits to some centres and “fixed points” that were used in the 1960s and 1970s for purposes of detention. However, this level of cooperation did not characterize all apparatuses, as some of them submitted incomplete responses to the files submitted to them.

The work sessions that were held on a high level with the Royal Armed Forces soon after the Commission began its work contributed to the progress made in accomplishing its mission, both concerning the cases of unknown fate and with regard to analysis of the contexts of the violations in the southern provinces.

The closed hearings held for some former officials also contributed to progress in some cases, although in other cases the Commission recorded a lack in the testimonies given.

Moreover, some former officials refused to give their testimonies before the Commission, which deprived it of sources of information that may have helped to uncover the truth about the events under investigation.

And the large number of security apparatuses intervening in order to maintain public order during the civil disturbances, either consecutively or in parallel, or overlapping, made it impossible to determine the degree of responsibility of each of the apparatuses for the grave violations committed during these incidents.

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