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In an enigmatic sense, which will clarify itself perhaps (perhaps, because nothing can be sure here, for essential reasons), the question of the archive is not, we repeat, a question of the past. It is not the question of a concept dealing with the past that might already be at our disposal or not at our disposal, an archivable concept of the archive. It is a question of the future, the question of the future itself, the question of a response, of a promise and of a responsibility for tomorrow. The archive: if we want to know what this will have meant, we will only know in times to come. Perhaps. Not tomorrow but in times to come, later on or perhaps never. A spectral messianicity is at work in the concept of the archive and ties it, like religion, like history, like science itself, to a very singular experience of the promise.

Jacques Derrida¹

Archives may be housed in an actual physical space, a site to be visited by users wishing to consult relevant documents. How records and files are produced

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and collected to fill these spaces, in the sense of a history and biography of a particular archive, has become an object of study in its own right. For French historian Pierre Nora, the archive is not the only “contemporaneous with the birth of the nation and of the very source of national historiography” but is also the “instrument of memory” (as opposed to “moments of memory”). The underlying question of this essay concerns the degree to which memory is instrumentalized in an archive specifically in ways relevant and useful to users. At the same time, this article looks at how victim memories revise and confront the existing national historiography, especially when the historical record is subjected to challenges by the more recent phenomenon of the twentieth-century truth commission archive. After analyzing some twenty national truth commissions, US archivist Trudy Huskamp Peterson concludes that a fundamental attribute of archives is to preserve evidence against oblivion and for the future; archives are the promise that sustains the pursuit of accountability and social justice:

[S]aving the records completes the commission’s work. Oppressive regimes try to impose selective amnesia on society. The purpose of a truth commission is to break through the wall of silence and restore knowledge of the hitherto hidden hands in history. Destroying the records ensures that only those things that made their way into the report will be remembered officially, and thereby opens the way for persons opposed to the commission to win yet again. Saving the records ensures that amnesia does not prevail.

Nonetheless, such acts of recordkeeping and data collection serve to organize human rights abuses and atrocity visited on individuals and groups within manageable bureaucratic frames. Consequently, the amount of access afforded to victims and witnesses, whose individual cases constitute the archive and who will become potential users, raises key issues for archives emerging from a variety of official national truth commissions. The victim-user of the archive keeps alive the memory of suffering regardless of any material expression in the form of paperwork in a file. This must never be forgotten. In the example of the archives of the Moroccan truth commission, there are multiple refractions of resistance to documentation. Using the archive may be an act of resistance and agency, but the archive resists the user, too. How credible are the documents? How do documents capture the pain of viola-
tions? Are these papers accessible, and to whom—the victim, the privileged researcher and academic, the general public? What are the recordkeeping rules? And what happens when individual victims seek out the archive?

Truth commissions hold a built-in mandate to add new records to already existing official ones by focusing on the absent, disappeared, and silenced victims. Moreover, such repositories have been endowed with capacities to promote democratic governance and construct a free and informed society. An etiological tale about the founding of the French National Archives recounts the powerful lesson of the people’s demands during the French Revolution to eliminate royal secrecy and the practices of arbitrary arrest based on an absolute monarch’s privilege to send out signed and sealed confidential letters (lettres de cachet). Ending secret imprisonment is also the promise envisioned in the Final Report of the Moroccan truth commission that addressed the potent configuration of democratic transition, memory, and the writing of history:

The importance of the work of the Equity and Reconciliation Commission lies in producing an archive as raw material for writing the history of Morocco after decades of domination by the official memory, which eclipses other memories; the importance of the hearings contribution to rewriting history . . . because this narrative provided data that was out of the reach of many or forbidden and taboo . . .

1. Because many of the barriers that prevented history being written officially began to disappear and at the same time the margins of liberty began to expand;
2. Because many who were subjects or objects in the writing of history, it was now possible for them to confess and to express themselves with complete freedom thanks to this dynamic;
3. As a result of the change in relationship between the centre (the capital) and the periphery (especially remote towns and villages). Whereas the history that was written in the past was the history of the centre, nowadays the margins and the periphery are coming to the fore with their own histories and these margins have become a partner in the rewriting of history.5

Amnesty International counts thirty-two truth commissions estab-
lished in twenty-eight countries between 1974 and 2007. Each truth commission possesses a unique relation to state records, secret service files, and written evidence accumulated from alleged perpetrators attached bureaucratically to a government and ministerial offices. Even illegal attempts at large-scale destruction of state records by security services, for example in apartheid-era South Africa or Latin American dictatorships, did not eliminate the extensive incriminating governmental documentation eventually made available to truth commissions. Indeed, in places like South Africa or Guatemala, state security and police records became essential components of their respective commissions’ resources. Guatemala possesses the largest police archive so far in Latin America, namely the Archivo Histórico de la Policía Nacional (APHN), with some eighty million pages of documents open to all citizens:

The [APHN] has become an emblematic case of the worldwide effort to preserve what are known as “archives of repression” but also a model of what can be called archival activism: records ought to be considered not inert pieces of evidence but actual carriers of power symbolism and weapons in the multifaceted effort to create a more just society, empower hitherto marginalized and silenced individuals and social agents, and promote a culture of transparency and human rights.

This transfer and deployment of state records to truth commissions and tribunals, then opened to the public, are considered significant benchmarks for a country deemed to be undergoing the stages of transitional justice. Even the Cambodian experience, heavily reliant on oral testimony drawn from investigators’ fieldwork with surviving victims, includes Khmer Rouge administrative records with thousands of evocative black-and-white mug shots of Cambodians as part of a heinous visual recording process moments before their execution. In contrast, for countries such as Argentina or Morocco, privacy concerns limit access to the records.

The Moroccan Truth Commission

The Moroccan experience offers a series of contrasts. The truth commission’s purview was lengthy, spanning forty-three years that began with Moroccan independence from France in 1956 until 1999, the year King Hassan II died and his son and heir Muhammad VI was enthroned. This post-independence
era is known as the “black years” (sanawat sawda’) and the “years of lead” (sanawat al-rasas). The regime imprisoned tens of thousands of Moroccan dissidents during these decades. Political opponents of the monarchy, many of them leftists, Sahrawis (Saharan nationalists), Amazigh/Berber activists, feminists, and Islamists, were forcibly disappeared, tortured, imprisoned, and often killed while in state custody. To begin the rehabilitation of his regime’s reputation for repression, as early as 1990 and fourteen years before the truth commission, Hassan II established the Advisory Council on Human Rights (ACHR, in Arabic al-Majlis al-Istishari li-Huquq al-Insan). The ACHR is an entity avowedly modeled on a similar 1984 French institution, namely the Conseil Consultative des Droits de l’Homme (CCDH). While initial criticisms of the ACHR were vocal concerning both its workings and composition (non-independent and staffed with well-paid royal appointees and cronies), it is the case that since the 1990s, ACHR members have been involved in several overlapping programs of pecuniary reparation to compensate Moroccan victims of human rights violation.

The last and most important quasi-governmental entity is the Equity and Reconciliation Commission known as the ERC in English initials, in Arabic Lajnat al-Insaf wa-l-Musalaha, and by the French initials IER for Instance Équité et Réconciliation. The commission began accepting reparation requests in early January 2004 and its mandate continued until December 2005 with an extension to February 2006. Thirty-seven of the forty-three years under investigation covered the entirety of King Hassan II’s reign. In the 1990s, his son and heir, King Muhammad VI, inherited an earlier Arbitration Commission (in French, Commission d’Arbitrage and in Arabic, Hay’at al-Ta’wid) set up by his father to address human rights abuses, while the successor ERC addressed abuses committed during his father’s rule.

When Morocco instituted the earlier 1999 Arbitration Commission, some victims of the regime’s torture and incommunicado disappearance ignored their right to file claims in order to denounce publicly any protocol of payments to victims linked to blanket amnesties for perpetrators. These programs were labeled “blood money”—in French, prix du sang, and diya in Arabic. Still, other Moroccans I interviewed chose to tell their stories of victimization, while stipulating a symbolic compensation of one dirham or approximately ten cents. Many Moroccans had refused the first 1999 commission because it awarded money solely for torture and disappearance
at their own government’s hands. For the subsequent 2004-5 ERC awards, more were willing to file due to the commission’s promise to go beyond mere financial indemnities and encompass collective reparations directed at regions targeted for de-development.

Victims of torture, disappearance, and arbitrary detention through the reigns of three monarchs from 1956-1999 of grandfather, father and son produced over 22,000 claims of human rights violation sent to the Rabat commission headquarters between 12 January and 13 February 2004. Thousands of additional reparation requests arrived after the deadline. According to the Final Report, the number of files opened by the commission was 16,861. A total of 9,779 victims (fifty-eight percent of the applicants) and their families were granted financial compensation and, for those who had benefited from the earlier 1999 Arbitration Commission, additional reparation for remaining injuries. Another 7,082 claimants (forty-two percent) were rejected for a variety of reasons, for example files that were incomplete or cases that were judged outside the competence of the commission.15

The Weight of Oral Testimony

In the ERC’s own formulation, “those that talk about suffering” were the central actors for official determinations of financial and medical remedies:

The [ERC] Commission therefore came to the conclusion that a reparation programme must not concentrate on financial and accounting considerations by giving priority to documents of an economic nature, but rather should focus on those that talk about suffering.16

Beyond the weight and power of witness testimonies, limited access to written records from state ministries and police files in tandem with an amnesty for perpetrators ensured the commission’s reliance on oral evidence.17 During my interviews, two contradictory discourses were routinely offered about absent recordkeeping. Many former political prisoners, subjected to disappearance, torture, and illegal imprisonment, conjure up with certitude a vast secret police archive that collects their books, tracts, journals, photos, political posters, and more, materials confiscated once they were under investigation and in custody. Stolen artifacts are warehoused somewhere, or so many Moroccans claim, citing to me current practices inherited from French surveillance techniques by a colonial regime intent on monitoring
and eradicating Moroccan dissidence. One day, they believe, these treasures will come to light. The populace routinely construes news reports of fires in various ministries or police precincts as their rulers and enforcers ridding themselves of incriminating documents.¹⁸ A second discourse by some human rights workers nullifies this implacable belief in an imaginary archive. They point either to the disorganized nature of paperwork in most Moroccan bureaucracies or a more sinister reasoning in which oral, not written commands are characteristic of repressive regimes intent on eliminating records delineating the extent of torture and extra-judicial executions. Yet both positions—the archive exists but is occulted or the archive never existed—partake of Michel Foucault’s abstract conception of an archive as a “system of discursivity” that determines what can be said about the dark years of the Moroccan past.¹⁹ These opposing views about political prisoner archival history draw on the same limited collection of material traces left behind to deduce the episteme of post-independent Morocco and the historical epoch of the “years of lead.” In addition, Foucauldian preoccupations with the practice of clinical medicine, rooted in an archive of very specific, individual cases, resonate for human rights commissions. The ERC also seeks a cure, usually financial remedies attainable only through the victims’ willingness to become case studies in financial, medical, and psychological trauma then transformed into files petitioning reparations that the commission itself produces.²⁰

The concept of reparations emerged as a way to make peace between states while acknowledging and “repairing” the injuries caused by war. Subsequently, state-mandated commissions, such as the ERC, adopted reparations to target financial remedies to their own citizens within their respective countries. How do national truth commissions comply with globalized international standards of redress that rely primarily on witness testimony? One example, the most hotly debated example of a national variation, concerns the issue of torturers’ names versus naming torturers in public. The ERC’s forms included rubrics for the identities of torturers when claimants provided this information. At the same time, these very same victims were prevented from naming their torturers in public during oral testimony sessions televised throughout Morocco. Torturers’ names can always be accessed through the database: they are digitized and legible, but remained unspoken by the ERC. Oral and public pronouncements were
silenced but the digitized archive, with its lists of torturers linked to victims, dates, places, and events, was not. Thus, selected testimonies filmed by the commission, for which excerpts are available on the Internet, censored victims testifying publicly from naming their torturers. For critics of the ERC, impunity and public silence for perpetrators point to the fact that Morocco’s truth commission did not herald a country undergoing a period of transitional justice toward democracy. Rather, as ERC President Driss Benzekri hoped, the commission he headed had inaugurated a singular experiment in documenting and paying for Morocco’s decades of human rights abuses. The end of the commission does not exclude the possibility and the promise of victims pursuing future court cases against perpetrators or learning from the existing files (when they are eventually opened to researchers or the public).

Both neighboring Spain, labeled a democracy, and Algeria, a military dictatorship, have taken a similar path of amnesty with nothing demanded of the perpetrators in return. Spain possesses an archive of over 110,000 Franco-era and Civil War-era abductions and secret imprisonment cases. Despite the United Nations Committee on Enforced Disappearances report, which calls for repealing a 1977 Spanish Amnesty Law and restoring funds to the Historical Memory Project, they are unsolved with no court investigations. In Algeria, the law of 27 February 2006 granted impunity to perpetrators for atrocities committed between 1992 and 2006. Algerian sanctions went further than Moroccan amnesties when Algeria added fines and imprisonment to criminalize public accusations directed at an alleged perpetrator.

_Shahada versus Ifada_

The word for “testimony,” in Arabic _shahada_ and _témoignage_ in French, resonates powerfully in Moroccan law and history. To replace it, Benzekri informed me that the term _ifada_, “statement,” was preferred. The ERC commission deliberately selected _ifada_ to characterize an official indemnification petition by a witness to the commission. Petitions, however, could be delivered in the form of an oral or written submission. In contrast, the goals of _shahada_ are to retrieve the political climate and memory—in effect, Foucauldian discursivity about what had been a powerful refusal on the part of thousands of Moroccans. They posed questions in the immediate
post-independence years about political and economic outcomes that served merely to “Moroccanize” colonial hegemony and exploitation. Indeed, the post-1999, post-Hassan II period became an era of research, public debates and testimonies, and publications in mass-circulation newspapers about the contingent truths about past histories of repression. The stories of past opposition to human rights violations were transformed and became transformative when narratives surrounding years of repression came to light. Such testimonies by surviving actors supported the quest for knowledge by the current generation of Moroccans about the dark periods of the past that live on in the present. Between any scholarly historical reconstruction of that past and the history of its retelling in the context of current Moroccan politics, it is shahada that embodies its two meanings of “to testify” as well as “to witness.” Shahada narrates personal witness and puts it in a situation-specific register. It calls out aloud and clearly the names of torturers and perpetrators. This is radically opposed to the act of giving testimony in the form of the ifada/statement that Morocco’s commissioners sought.

How do judgments of fact enter into the Moroccan discussion, especially when indemnifications proposed by a truth commission must verify the written ifada statement claiming reparation? The ERC’s response to the gap between shahada and their own mandated ifada was to shift among several communication channels by creating appropriate venues for performance in many different registers. What was new in Moroccan history became the individual act of making an official written and registered claim against the state for money and restitution. This in turn produced a file filled with documents based on a written record of the interview and oral testimony with the victim. In sum, the ERC project to provide reparations for illegal imprisonment and forced disappearance remains the motivating force for the creation of the ERC archive. Drawn from oral testimonies in several public sessions throughout the country, during private group presentations and individual interviews at commission headquarters in Rabat, the voices of witnesses and victims constitute that archive. Moroccans, who are the subject of the record as witnesses and victims, were the primary co-creators of the record.
Building the Archive

Debates raged during the commission’s mandate about the role of the ERC in deflecting responsibility away from the government, or worse, its capacity to undermine the rule of law by legitimating the Moroccan criminal justice system’s powerlessness to pursue prosecutions. Nevertheless, the important daily work of the commission continued with little fanfare. Each request for reparation, mailed or presented in person to the commission, produced a file. Each file added to the overview of Moroccan history by contributing to the computerized database information about violations and torture now accessible according to date, region, and torturer’s name. Ordered chronologically, the archive begins with section “A” to designate immediate post-independence political events opposing the Moroccan monarchy from 1956 to 1960. Section “B” chronicles the northern Rif region uprisings; “C” the Addi Ou Bihi revolt; “D” Ouelmès in the Middle Atlas; “E” Azilal and Marrakesh revolts; “F”, the urban armed group of Cheikh Al-Arab; “G” the 1968 urban riots, especially in Casablanca; and in mid-alphabet the various urban riots throughout the country of 1981 (“M”), 1984 (“N”), and 1990 (“O”).

The chronology of repression proceeds down the decades until the death of King Hassan II, the endpoint of the commission’s mandate. Additions to the decade-by-decade record are doubled letters of the alphabet, each beginning with “A,” for example “AH” for the region of the Sahara, where violations among the Sahrawis know no specific date constraints. These victims from the Laayoune-Boujdour-Squia el Hamra region constitute twenty-five percent, or the largest number of victims by region. Finally, “AJ” is a catchall category of individual cases (al-halat al-fardiyya) not linked to specific years in which uprisings, mass political trials, or groups deemed dangerous by the regime are categorized.

The main working archive of files owes its existence and formation to applicants and deponents who met the commission deadline extended to February 2006. More data derive from two additional research archives that consisted of more than 8,000 files from the 1999 Arbitration Commission plus those who missed the ERC February deadline (with some overlapping cases) but were subsequently added to the archive. At the Rabat headquarters, follow-up procedures by commission statement takers took many forms. There were additional oral interviews, many audiotaped and videotaped single
and group testimony sessions. Internal commission sessions in the form of
daylong witness testimony were organized thematically on prisons, secret
detention centers, and deaths of famous political martyrs. Many sessions
were filmed and transcribed. In addition, commission note takers traveled
to applicants’ homes, and teams of field workers were sent for several weeks
to regions notoriously hard hit by human rights abuses. During January
2005, around twenty commission researchers resided in villages throughout
Azilal province, the Berber/Tamazight-speaking Middle Atlas region, where
anti-government uprisings resulted in devastating army reprisals. The 1999
Arbitration Commission had introduced Amazigh-speakers to the vocabulary
of *dahaya*, or victims. The 2004-5 team of ERC-commissioned investigators
reported to me that inhabitants dubbed them “Ait Ta’assufat,” the tribe of
arbitrary violations, suggesting sardonically that interviewers were there
either to uncover or perpetrate the rule of the arbitrary.

Interviewers faced multiple problems in assessing the stories of indi-
vidual victims when they were detached from the layered history of revolts
that characterized a state of war between the monarchy and this region.
For example, official village scribes (*katib umumi*) mass-produced original
depositions and forms mailed to the commission in literary Arabic on behalf
of an illiterate or non-Arabic-speaking population. Such local documents
on behalf of the poor and illiterate possessed an opaque, stylized rhetoric
with the same phrases repeated for many victims.25 Both scribe and victim
documented abuses in the most general way without dates of imprison-
ment or names of prisons or torturers, and the depositions were especially
silent concerning the subject of rape. The commission’s extended sojourn in
Azilal resulted in several thousand more applications filed past the deadline,
but with more precise claims describing torture, arbitrary detention, state
expropriation of goods, collective punishment, and sexual assault, thereby
raising the possibility of rape as a military tactic against the population.26

The initial team of interviewers inherited a brief entry format with a
limited set of rubrics from earlier attempts at documenting victims. These
earlier attempts included the state, through the 1999 Arbitration Commission,
as well as various parallel initiatives by Moroccan non-governmental human
rights associations. When they began their work transforming testimony
from witness interviews into a consistent questionnaire during the early
months of 2005, the ERC produced an initial questionnaire form, a grid
(tahlil in Arabic and in French grille) of some three or four pages. After a brief interval, the grid grew more elaborate, eventually arriving at a template of eighteen pages of empty boxes to be completed by an intake interviewer, sometimes over multiple sessions, and finally, digitized to create a database of human rights violations in Morocco.27

Access to the Archive

Since records and record-keeping practices constitute the very legitimacy of a truth commission, especially once its mandate comes to an end, what are the ways to sustain maintenance, preservation, and access to the extraordinary raw data from ERC witness and reparation files? In relation to the history of archives in Morocco, much is owed to Hubert Lyautey, the country’s military governor (1908-12) and first resident-general or de facto ruler over Morocco from 1912 to 1925. Once Morocco came under French colonial rule (1912-56) as a “Protectorate,” he gave great weight to a French-created and organized archive. The colonial regime, like its counterparts elsewhere, needed information on the native subject and, consequently, undertook a series of scientific missions at the same time as the Protectorate bureaucracy launched an infrastructure of knowledge creation in the form of journals, publications, research institutes, and a general library.

Although French involvement in World War I slowed these projects, a decree or Dahir was passed on 1 November 1926 and went into effect on 1 January 1927. The opening article of the 1926 decree enunciated the role of the general library of the Protectorate (bibliothèque générale du Protectorat) as a public institution, while Article 2 described the mission “to assure the conservation and communication to the public of basic works, daily newspapers, and periodical publications subject to legal deposit, archives, maps, stamps, money, and all documents in its custody.”28 Article 9 empowered the general library as a sole depository and required all documents from the regular archives (archives ordinaires) of both the French Residence and the Moroccan Cherifian administration to be deposited in the national library after ten years unless exceptions were approved.29 These five columns of legislation filling a mere three pages, half of which were dedicated to French colonial budgetary dispositions, would remain Morocco’s sole official textual referent concerning archives throughout the Protectorate and for five decades of the post-independence era until 2007.
When the 2004-5 ERC attempted to investigate and corroborate oral testimonies with written governmental documentation uncovering over four decades of repression, as in many such circumstances, historical actors provided contradictory testimonies to dispute narratives of that past. More unexpected was the ERC discovery of the lamentable state of the nation’s various archives detailed in the 2005 Final Report’s conclusions:

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. The 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 a lack of a unified framework to regulate and organize it, and to manage access to it and provide for sanctions for damaging or destroying it.30

Consequently, the Final Report enumerated the ERC’s post-truth commission recommendations to include an appeal for the immediate creation of a national archive safeguarded by sanctions to prevent the destruction of current administrative records:

The Commission believes that many ministries, departments, and security services hold registers and documents that could help in the future to shed more light on the truth about the gross human rights violations and clarify many obscure points in the history of the nation. While waiting for a comprehensive and ambitious policy for organizing the national archive (the subject of a separate recommendation), the
commission therefore humbly requests His Majesty the King, in his capacity as protector of the freedoms and higher interests of the nation, to issue an order to the Prime Minister to issue as a matter of urgency a memorandum instructing all ministries, public and semi-public departments, and security apparatuses to maintain the archive and at least preserve it in its present condition. The memorandum must stress that the perpetrator of any act likely to result in the defacing or total or partial destruction of official documents and registers will be liable to the measures and sanctions enunciated in the law. 31
Figure 2: Another one of the four rooms housing the main archives of the ERC. 13 January 2005. Photo by Susan Slyomovics.
As of this writing, the main archives of the ERC remain housed in four rooms on the third floor of the Saada Building in downtown Rabat, the original headquarters of the Equity and Reconciliation Commission. The rooms are outfitted with standard-issue fixed shelving (fig. 1 and 2). Each shelf holds six to seven document cases or boxes. Each case has six to seven files of individuals. The first room, measuring thirty-five square meters, consists of 129 linear meters of gray-colored document cases filled with indemnification requests from the first 1999 Arbitration Commission which the ERC added as part of their mandate for review in cases of further financial considerations. A second and third room, each twelve square meters, consists of twenty-three and one hundred linear meters respectively. ERC practice was to separate individual files with interview forms and requests from the reparation decisions that began after 2005. In these two rooms, the document cases or boxes are coded green-colored for ERC files, while red-colored ones designate the files of a subsequent and still ongoing ERC-created Reparations Committee. A fourth room of sixteen square meters is the documentation center for internal paperwork generated by the ERC: reports, programs, conferences, meetings, and personnel files. Although no victim dossier has been digitized, discussions go on about possibilities for digitization and its benefits or limitations in regards to issues of security, access, and trustworthiness. For the moment, there is only one paper copy, albeit encased in file folders and boxes of good quality.

A separate audiovisual collection is housed elsewhere in the basement library of one of the thirteen regional commissions of human rights and some distance from ERC’s downtown Rabat headquarters. They are stored in a locked room at the human rights commission building for the Rabat-Kenitra district in the Rabat suburb of Agdal. A total of five hundred hours, listed below according to format, number of hours, and description of content, was kindly provided to me by former ERC archivist Asmaa Falhi as an initial assessment and therefore is worth reproducing in full:

- 81 DVD-CAM (Sony): film rushes by filmmaker Leila Kilani
- 11 public hearings of the ERC produced by the SNR
- 8 DVD-R: couverture JT + 3 copies of television broadcasts about the ERC
- 431 Mini DV (Sony DVM60): including filmed testimony, sessions, visits, and plenary meetings
• 206 K7 Audiotapes: 28 plenary sessions plus 5 audiotapes sent by victims as testimony; 173 (fieldwork interviews, meetings, seminars, etc.)
• 9 VHS: archival material entitled “assistance to victims” deposited by the non-governmental organization of victims “Forum Vérité et Justice” dated 2000.
• 471 VHS: includes transcriptions copies of victim testimony, round tables, seminars, 40 copies of plenary sessions, 33 copies of the public hearings
• VCD: 6 (testimony sent by victims) + 3 (seminars)
• 12 microcassettes MC60 Sony (testimony sent by victims)
• 109 CD-Audio (CD-R): broadcast, audiotapes of public hearings
• Videotapes stored on hard disks, approximately 22 computer files
• A photograph collection consisting of four large albums each contains approximately 100 photos. There are also two small albums each containing approximately 200 photos plus 33 photos not in any albums to make a total of 4,381 photographs. A second part of the ERC photography collection consists of 8,700 additional digitized images.32

The ERC’s Final Report of 2005 recommended a comprehensive future national archive, an entity complementary to and superseding the current Moroccan national library established by the French during the colonial Protectorate era. These recommendations underpin the subsequent “Dahir 1-07-167 of 2007,” and the law 69-99 enacting the creation, content, function, and requirements to preserve and deposit in the newly designated Archives of Morocco (in Arabic, Arshifat al-Maghrib). Several aspects of the 2007 national archive law are relevant to the future of the ERC files since it determines time to wait before accessing a document at thirty years (Article 16), a hundred years for medical or personal documents (e.g., registries of birth certificates), and sixty years for written communications pertaining to national security issues (Article 17), but with the possibility of “special exemptions” for researchers if the originators of the documents provide written agreements (Article 18).33

By 31 March 2011, historian Jamaa Baida was appointed to head the Archives of Morocco. The same year in which he took on the archive leader-
ship overlapped with a government circular informing all administrators about the necessity to conserve and deposit documents in the newly created national archive, thus following up on the ERC proposals in the Final Report. Control over the ERC archive will be transferred to the Archives of Morocco in the future but for now the physical files remain at ERC headquarters. The National Council of Human Rights inherited the ERC files and its most urgent action is to preserve and transfer them to the Archives of Morocco. Agreements have been signed in 2015 among the NHCR, the ERC, and the Archives du Maroc, the latter a national government entity, but the actual details of transfer, maintenance, and housing are still to be worked out.

Fatna El Bouih: Seeking Her ERC File

To request permission to view victim dossiers, in the fall of 2013 I emailed the president of the National Council of Human Rights, Driss El Yazami, and the former archivist of the ERC, Asmaa Falhi, both of whom have written extensively about the importance of archives and archiving. Both replied immediately to welcome me but advised me to make a written request for the “special exemption,” the French-inspired archival request system of the dérogation spéciale. A comparative system of requests is found in many anglophone countries possessing versions of the US Freedom of Information Act (FOIA) of 1966, amended last in 1978. Such systems inaugurated an era of access in archival terms. But privacy and confidential considerations loom large even among US archivists trying to strike a balance between items closed to the public versus a body of court-tested approaches that emerged attempting to both define and sometimes limit the broad principle of privacy. The FOIA uses the term “exemption” in the opposite sense from the French approach in that it grants protection by denying access to certain information despite an assumption of openness and disclosure:

The first is that all records are open unless specifically closed by law. The second is that the freedom of information acts create the exclusive means by which the public can be denied access to records covered by the acts. In other words, records covered by a freedom of information act may be withheld from public view only if the records fall within an exemption of the disclosure provisions.
The US approach is that all records are open unless specifically closed by the law’s exemption. In contrast, the French-Moroccan approach is that all records are closed unless granted an exemption of access called the special exemption, dérogation spéciale. Moreover, as of 2014 the Moroccan ERC archives remain an open, not yet completed archive but a living, working collection with some five percent of reparation cases still to be settled. Therefore, their access policies will be presented in the French-Moroccan “negative” manner: closed access with the possibility of an exception granted to view documents that must be specifically enumerated in advance.

Since there is no catalog of the archive’s holdings, pending the archive’s future permanent home, I asked Fatna El Bouih to join me in the ERC archives, an unusual pairing of victim and researcher to request a special exemption to view her file. She reminded me that during her 2004 intake interview at the Rabat headquarters of the ERC, the very commission to create the victim and reparation files she was about to see, she had burst into tears:

I was lost, desperate, my daughters helped me get back to myself. I wanted to do nothing. I went into the living room and didn’t move. I was like a political prisoner again, in bed with books. I didn’t speak. I had felt strong. It was like it would never end and the fact that I thought myself strong, but it wasn’t true. I cracked after the first question. It was a simple question. Every interview wakes something in me. I learn about myself, but the past, indirect, and the fact of being confronted with someone who had been with me in Derb Moulay Cherif [secret detention center in Casablanca], it set me off. I saw my interviewer later and I teased her: “You made me crack.”

El Bouih and I have known each other for twenty years and we have collaborated on several translation and fieldwork projects. We decided to go together to the archives, but she would peruse her file alone, letting me know any relevant information. Asmaa Falhi, a trained archivist, guided us to the relevant paperwork classified in section “V.” Following international archival protocols to maintain not only the contents but also the historical integrity of the original organization of knowledge, Falhi, El Yazami, and the staff retained the 2004-5 ERC alphabetical chronology of Moroccan repression described above. Aspects of this chronology were frequently determined by the Moroccan judicial system engaged in farcical mass trials of its dissidents.
El Bouih, arrested in 1977, was designated according to her trial grouping as a member of the “Meknes Group.” This grouping brought together 106 Marxist political prisoners, who belonged to a variety of clandestine groups including 23 March (El Bouih’s group), Ila al-Amam, and the Polisario. They were speedily dispatched by a corrupt legal system to lengthy sentences. El Bouih, as a leftist dissident and former political prisoner, experienced radically different reactions to Morocco’s two main historical reparations commissions of 1999 and 2004-5. She was forcibly disappeared for three years from 1977 to 1980, finally earning the right to a trial as a result of a prolonged hunger strike. She was released in 1982 having passed five years in a series of prisons. When El Bouih was faced with the decision whether to file for reparations for the first 1999 Arbitration Commission, she refused because this commission was disbursing blood money and it did not conform to international norms indemnifying human rights abuses. Once the 2004-5 ERC replaced the earlier formulation ta’wid (indemnification) with another Arabic term, jabr al-adrar, translated as “reparation” and explicitly defined as restitution, apology, medical and psychological therapies, and social and community rehabilitation, El Bouih chose to file for the latter’s more just and expansive terms. Her decision demonstrates that the terms of reparations matter. For whom, for what purpose, and according to which monetary calculations should governments recognize the crimes of torture, disappearance, and imprisonment? Potential recipients of reparations also attach importance to the institutional benefactor of money, thereby compelling El Bouih to distinguish actively between an apparently corrupted 1999 Indemnity Commission process versus the victim-centered 2004-5 ERC. Reparative values, therefore, are attached to sources of money. There is a morality to funding and the recipient-victim sets these standards of morality. For example, she supports other collective reparative remedies recommended by the ERC such as government apologies and regional development policies. Her own specific projects include converting Casablanca’s infamous secret detention and torture center Derb Moulay Cherif, where she was held incommunicado for seven months, into a memorial, social center, and museum. Transforming individual documents into a coherent national history, as Hayden White argued, or even into personal history, remains a subjective act. El Bouih’s experience of viewing her file revealed gaps even at
the level of materials she herself contributed to build her case. Notably, a
detailed memorandum of request for reparations, which she wrote based
on her five-year journey through various Moroccan sites of incarceration,
was missing. She discovered that there was no documentation about two of
the four prisons that she had passed through. El Bouih does not view the
ERC archive metaphorically or symbolically. It is a concrete repository of
documents to trace the historical record of her disappearance, torture, and
imprisonment. It outlines each political prisoner’s trajectory within specific
places of suffering. It is inevitably fragmentary but on its own archival terms
as a dossier of documentation, it should be complete.

In contrast to her incomplete file, with the possibility of her paper-
work filed elsewhere for purposes of reparation, she produced a coherent,
moving prison memoir based on dramatic episodes culled from her prison
diaries. While the painful emotional experience of human rights viola-
tions visited on her mind and body escapes the file, her book is a detailed
chronicle beginning with an account of her kidnapping. It follows her
group of Marxist women political prisoners through their trials to the
coordinated and lengthy mass hunger strike of November and December
1977 that Moroccan political prisoners undertook and which ended in
the tragic death of her comrade, the poet Saida Menebhi. None of these
histories of political resistance possess an archival presence. Published
to great acclaim in 2001 as Hadith al-’Atama and translated from Arabic
to English as Talk of Darkness, El Bouih included sections written by two
of her fellow women political prisoners, Latifa Jbabdi and Widad Bouab.43
Post-prison, Jbabdi became an activist, writer, and organizer for women’s
rights and was appointed one of the sixteen commissioners of the ERC and
the only woman. The final chapter of El Bouih’s memoir ends with Jbabdi’s
account of her official police escort and their anger at the total mobilization
of forces whenever a single woman prisoner was shuttled between prison
to police precinct and court:

Once, when only I was summoned to an investigation, I was made
to climb into a van surrounded by guards and police armed with
machine guns, as usual. Before and behind us were two additional
vans similarly armed, not to mention the motorcycle that cleared
our way. After I got into the van, the men rebelled, furious at such a
grotesque mobilization on our behalf, especially since I was a mere woman. They shouted, insisting that it was a question of masculinity and honor. I didn’t know whether to laugh at the situation, which was genuinely funny, or to curse the machismo that judged me of no account because of my sex, and didn’t consider my ideas, my choices, and my limits as a human being.44

El Bouih’s own ending appearing before Jbabdi’s account is a hallucinatory series of questions and self-reflections. Through the interior monologue of indirect free style of writing, she enters the skin of another women prisoner about to be released into the world after seventeen years behind bars. El Bouih’s questions and exclamations double back to encompass her own fears about the afterlife of incarceration:

How she longed for this moment! How many years, how many nights and days of waiting! How many times she actively readied herself and spent the whole night expecting amnesty or a reduced prison term, to the point that she hated holidays and special occasions. . . . She was lost, incapable of facing this moment. She had an intense feeling of being shattered. Was it because she was used to a world whose profound influence formed her mind and shaped her won implacable world? Was it fear of the unknown, of encountering an alien world, one she had cherished in her dreams throughout her prison years? She had lost the means of communicating with it. All the women around her felt that she was shaking oFF days of misery and weariness forever, but she felt no respite; she was melting, banished and lost after seventeen years of estrangement, imprisonment, and transfer from prison to prison. And today, after such a long wait, would she be greeted with open arms? Would release dispel her sorrows?45

El Bouih’s subjective and literary responses to a file buried in an archive are radically different from shahada and the testimonial voice of a prison memoir as she contemplates the limited narrative possibilities found within the ifada, or the official statement requesting reparation. Immediately, she constructed a narrative that would incorporate the qualities of documents encountered in her file.
On 10 March 2014, after our visit to the Rabat ERC archive (fig. 2), which was supervised and guided by former ERC archivist Asmaa Falhi, we two took the train back to Casablanca. Like many North African authors, El Bouih writes in French and Arabic. Her 2001 prison memoirs were written in Arabic. Yet she chose French to express the fragmentary nature of her file, despite ERC documentation being in Arabic. This time there is neither plot nor redemptive narrative arc of prison release with ideals and resolve intact. El Bouih’s text, entitled “When the Human Dimension Disappears Before the Needs of Administrative Procedures,” reads as follows:

How to decipher the link to memory and the resurgent past through boxes in an information grid summarizing suffering? There are two experiences when interrogating history: questioning documents and questioning people. There is a hierarchy to the sources. For the former, there are the written or oral archives, cataloged, classified, and dated, and in this sense I think a big step was taken.
Today Fatna El Bouih, an ex-political detainee between 1977 and 1982 exists as a file in the archives of the ERC. It was the work of the ERC for the victims and the Moroccan people to appropriate a confiscated history with a view to preserve a positive memory.

I have a file and it exists and I can access it thanks to a researcher, Susan Slyomovics, and my willingness.

But what is the interest to review one’s past through a visit with a file? Unless it is this desire to appropriate information so much held hostage by another, that unknown who alone had the right to possess information never to be communicated until you yourself end up believing that you are unable to have it.

It is also this concern about the transmission of collective memory or even the transmission of academic knowledge to society and a young generation who ignores a part of their country’s history. What is at stake between the researcher and the victim in interrogating history is strictly personal and painful. Historians appeal for testimony to complete their information about an event . . . the victim seeks to reconstitute a life. The dimensions are different, individual or collective memory and historical memory.

Concerns are shared, certainly, but the victim does not need to dust off the past to reach it, nor a mirror for this truth unfortunately long inaccessible and unwanted. This is truth that lives and seeks recognition, forgiveness, sharing with the other.

The need is the same perhaps insofar as one or the other needs a framework to classify memories, situate events, people, moments of suffering of resistance . . .

I recognize that I am seeking several reference points in time and space. The visit to a file is part of this search—even if it cannot heal wounds but awaken pain.

It is another form of return to the past to ensure a future and think about it differently.

I have already returned to those places, centers of detention and disappearance, prisons. I have returned toward people, ex-detainees belonging to different historical moments, but to return to a file is another dimension of memory, there where the human disappears to leave space for the administrative process.
It is Monday, 10 March 2014. I go straight down the corridor of the Saada Building third entrance, the third floor where the Annex of the National Council for Human Rights is located, the place of the ERC archives.

I am accompanied, well looked after by two young women and Susan, with all the care that an event of this kind demands. I advance toward the silence that awakens the echo of nights disturbed by nightmares of never seeing the light, I advance to go to the inaccessible, a life destroyed in a thousand pieces, to walk toward a past that loses its glory when summarized by a number and a few pages.

Seated in front of my file that I imagined to be much more substantial, my tears flow faster before my chilled fingers groping in search of a past so idealized; where the human dimension is lost in empty boxes or filled, what’s the difference? If they cannot contain the pain experienced.

I said in my book that I called on memories of the past to continue to live a dead present. Today I must call on the living present to save me from the weight of the past . . . All those memories are there today and cannot be expressed by conjugating verbs, to feel spied on monitored, at every moment no longer to feel one’s body, not to love it without a mirror, no longer to sleep because one has slept too much, etc.

Is it wise to continue her quest and to find the truth the whole truth justice and all justice and ultimately reconciliation. The usefulness in recovering the past, to stir it up, dig into its folds, and find her painful memories. In fact the human dimension disappears before the documentation necessary for history, all documented human suffering is transformed into a file.

It is an arduous victory and conquest if only to break a taboo and free oneself of a block that is the right of access to one’s file made banal and until today exceptional.46

The Archival Battles of Bureaucracies

The claims of privacy for individuals slowly dissipate over time. In the meantime, the ERC archive is considered “alive,” archive vivante in the words of Driss El Yazami, president of the National Council on Human Rights. In my
interviews with him, he considers it not even an archive but rather a mere “collection of holdings,” *fonds documentaires*, because it is still in use for remaining reparation cases, and hence not open to researchers. An individual case file required for a reparation petition may be considered closed only after a lengthy process. First, the reparations commission, the remaining ERC committee still in operation, decides on the reparation award to the victim, then allocates lump sum payments, and finally, provides medical insurance and social security cards. In cases of disappearance, the family or heirs of the victim are required to provide a death certificate, which then allows the reparations commission to open a file and launch procedures of indemnification. The latter condition places a burden on victim’s families but also has permitted a gap between bureaucracies to enable public gestures of militant principles. To abstain from requesting a death certificate results in seemingly endless paperwork battles between victim families and the ERC reparations commissions. An example of resistance to documents papering over the disappeared political activist is the Manouzi family. They believe that Hocine Manouzi, a union activist, is still alive as long as there is no body, no place of burial, and no information about his presumed death since he was kidnapped on 29 October 1972 in Tunisia. The family agreed to send in a petition for reparations during the ERC mandate, engage with the investigation, and have his case registered in the archive. The ERC followed up by sending a list derived from interviews and petitions of those forcibly disappeared to the Ministry of Interior, the entity in charge of various military, security, and police services. Only the date and year that Manouzi was last seen, in 1975 in a secret detention facility in Morocco, was verified by ministry officials. The ERC Final Report concluded that

> [t]he Commission was not able to find any official documents or testimonies that 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 aforementioned particulars, the Commission recommends further enquiries to unveil the victim’s fate.

Manouzi’s file at the ERC remains open, in abeyance and without the bureaucratic closure that truth commission records offer because definitive
information from the state is lacking. The Manouzi family complied with the various truth commission processes but, by declining to apply for a death certificate or accepting a death certificate issued by an earlier government body, resisted it as well. They claim that reparations are inseparable from the right to truth about the fate of a brother and a son. Haj Ali El Manouzi, a hero of Morocco’s war of independence and an activist on the plight of politically disappeared, was one hundred years old when he died on 27 February 2014, never knowing the fate of his son. When I visited the family during the mourning period to offer condolences, I learned that the death of their father calls into question the disposition of his inheritance since that, too, remains in abeyance as long as the siblings remain unanimous in their refusal to request a death certificate for their brother. The Manouzis are not alone. Many Sahrawi families disdain reparations if it means accepting the bureaucratic and euphemistic paperwork that the state substitutes for a genuine death certificate. Other families facing similarly inconclusive evidence about a missing relative decided to accept the legal stipulations and applied for the death certificate in order to obtain the much-needed financial indemnification. But this is not the case for the Manouzis, who have resorted to the court system to demand that judges call on all of the perpetrators known to be alive and responsible for their brother’s disappearance as witnesses.49

Sheherazade in the Archives

Documents in general are all about gaps, possessing only an “oblique relation with that about which they speak.”50 This is even more accurate for human rights archives. Such an archive cannot encompass in its files and shelves the referent of victim suffering that brings about its very existence. To enter the ERC archive and emerge with a story is to become another Sheherazade moving from prison memoir to written petition to template of boxes filled with torture, disappearance, farcical trial, and arbitrary detention and then back into another mode of storytelling. Stories within stories inside and outside the files proliferate in search of context, commentary, and the human voice. The information within the archive is largely inaccessible even though it is paradoxically described as open, living, in use. Sheherazade wrote to delay her own execution yet, as archivist Anne Gilliland notes, the acceptance of reparations and a death certificate is another form of
executing those forcibly disappeared, but in this case the executioners are
the living and bereaved ones themselves.51

As with Sheherazade spinning her wondrous tales in *A Thousand and
One Nights*, Morocco has missing bodies suddenly transported to distant
realms and arbitrary rulers dispensing injustice. Writer Abdelfattah Kilito
captures the hallucinatory and fantastic experience of thinking one knows
something about the archive based on the special exemption, only to be
required to pre-determine what one already knows. In his novel, *Dites-moi
le songe* (*Tell Me the Dream*), he invents a doctoral student working on *A
Thousand and One Nights* whose thesis the author is supervising.52 The
student cleverly discovers an unknown parallel tale about the murderous
despot Harun al-Rashid of Baghdad in the *Nights* occurring earlier in the
biblical Book of Daniel about King Nebuchadnezzar of Babylon. Both rulers
separated by centuries are troubled by their dreams. They each call for dream
interpreters and pronounce an impossible demand:

“I have had a dream that troubles me and I want to know what it
means.” Then the astrologers answered the king, “May the king live
forever! Tell your servants the dream, and we will interpret it.” The
king replied to the astrologers, “This is what I have firmly decided: If
you do not tell me what my dream was and interpret it, I will have you
cut into pieces and your houses turned into piles of rubble. But if you
tell me the dream and explain it, you will receive from me gifts and
rewards and great honor. So tell me the dream and interpret it for me.”53

The demand on pain of death is to divine the content of the king’s dream
before interpreting it, a parable for divining the contents of the ERC archive,
and a reversal of the scholarly habit to interpret texts available in an archive.
Although, the very existence of these files and audiovisual materials are an
opening and a call to pursue scholarly historical inquiry into different eras
of post-independence Morocco, the user must dream the file before writing
the special exemption to see it. The impact of the archive on users, the public,
and researchers remains a promise, a possibility, and a dream of solid con-
textual narratives that take into account contradictory oral testimony, the
partial truths and silences that the human witness has articulated orally,
textually, and visually to the Moroccan truth commission.

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Susan Slyomovics
ENDNOTES

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5 While the ERC final report in Arabic was completed by the end of 2005, throughout this essay I cite from the official four-volume English-language translation. See Kingdom of Morocco, Equity and Reconciliation Commission, Final Report, vol. 4, The Components of Reform and Reconciliation (Rabat: The Advisory Council on Human Rights Publications, 2009), 57.


10 See my publications, “A Truth Commission for Morocco,” Middle East Report 218 (Spring 2001), 18-21; “No Buying Off the Past: Moroccan Indemnities and the Opposition,”


12 There is a vast Moroccan literature as well as numerous publications outside the country monitoring and criticizing the country’s various government commissions. The Moroccan press and my own fieldwork over many years introduced me to complex and subtle critiques by activists, along with a vast outpouring of materials (annual reports, newsletters, press releases, and videos) emerging from the country’s vibrant and vocal human rights associations. In addition, there are ample numbers of government publications, for example on the histories of Moroccan state and ministerial indemnifications. See Ahmed Chaouqi Benayoub, Hay’at al-Tahkim al-Mustaqilla (Rabat: Ministry of Human Rights, Center for Documentation on Human Rights, 2004). Many former political prisoners, such as Benayoub, have authored important human rights documents through official governmental entities.

13 A speech by King Muhammad VI on 7 January 2004 in the city of Agadir announced the ERC’s creation to the public and by law in “Dahir of 10 April 2004,” Bulletin officiel, 5203 (12 April 2004).


Driss Benzekri, interview with the author, December 2005, ERC, Rabat, Morocco.


Abdelhak Moussadak, interview with the author, 3 March 2014, NCHR, Rabat, Morocco.


Ibid., 2339.


I am extremely grateful to Asmaa Falhi, former ERC archivist and current researcher with the National Council on Human Rights, for providing me with the description of the archive holdings. Falhi holds degrees in library science including an advanced degree in archives and human rights from the University of Essex, England.


Jamua Baida (director, Archives du Maroc), interview with the author, 12 November 2015, University of California, Los Angeles, CA.

Gary M. Peterson and Trudy Huskamp Peterson, *Archives and Manuscripts: Law* (Chicago: Society of American Archivists, 1985), 45. This source includes a list and discussion of various US exemptions from public access to information.

Fatna El Bouih, interview with the author, 26 February 2014, Casablanca, Morocco.


For a contemporary description of these trials, see Comité de lutte contre la répression au Maroc, *Le Maroc des procès* (Paris: Comité de lutte contre la répression au Maroc, 1997).


Ibid., 94-95.

Fatna El Bouih, email correspondence with the author, 17 March 2014. I have chosen to translate her emailed versions to me written immediately after her visit. A later edited version was published as Fatna El Bouih, “À la rencontre magique de la mémoire,” *Zamane*, 14 June 2014, http://zamane.ma/fr/a-la-rencontre-magique-de-la-memoire/.

Driss El Yazami, interview with the author, 28 February 2014, NCHR, Rabat, Morocco.


Anne Gilliland, email correspondence with the author, 25 October 2015.
