

“Between Transition Management and Open Conflict: The Moroccan Experience and the Potential for Transitional Justice in Yemen”

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The Moroccan Experience: From Historical Violations to National Reconciliation

Building the Foundations for Transitional Justice

Morocco’s transitional justice experience emerged from a prolonged period of grave human rights violations closely linked to the country’s political evolution following independence. As Morocco transitioned from colonial rule, competing visions regarding state formation, governance, and the distribution of political power shaped successive episodes of political confrontation. Different political actors advanced distinct conceptions of the future state, resulting in power struggles that contributed to widespread violations, including arbitrary detention, enforced disappearance, torture, political persecution, and restrictions on civil and political freedoms.

Addressing this legacy required more than judicial accountability. It called for a nationally led process capable of reconciling competing political interests while preserving institutional continuity and rebuilding confidence between citizens and the state. The Moroccan experience therefore evolved through political compromise rather than political victory. Reconciliation brought together opposition movements and institutions associated with the monarchy within a negotiated framework that enabled acknowledgment of past violations without undermining the continuity of state institutions. This compromise remains one of the defining characteristics of Morocco's transitional justice experience and continues to shape its reconciliation process.

The establishment of the *Equity and Reconciliation Commission (ERC)* represented a significant milestone in addressing the legacy of past violations. As one of the pioneering transitional justice experiences in the Arab region, the ERC adopted a comprehensive understanding of transitional justice that extended beyond criminal accountability to include truth-seeking, recognition of victims, reparations, preservation of collective memory, institutional reform, and guarantees of non-repetition. Rather than publicly identifying perpetrators, the Commission prioritized recognizing victims and acknowledging the harm they had suffered through material and moral reparations, public recognition, and memory-preservation initiatives.

Political Consensus and National Ownership

Morocco's experience has frequently been described as representative of a second-generation approach to transitional justice. Unlike earlier models centred primarily on criminal prosecution, this approach focused on repairing the relationship between the state and society while creating conditions for long-term reconciliation. Reparations were therefore conceived not only as compensation for victims, but also as mechanisms for restoring dignity, rebuilding trust, supporting social recovery, and publicly acknowledging past abuses.

An important feature of the Moroccan process was its flexible sequencing. Accountability remained politically contentious and was deliberately postponed in favour of advancing areas where broader national consensus could be achieved. Through national debate involving political actors, civil society organizations, victims' associations, and state institutions, agreement gradually emerged around truth-seeking, reparations, institutional reform, guarantees of non-repetition, and memory preservation. This approach enabled the process to move forward despite continued disagreement over more sensitive accountability measures.

Local ownership also became a defining principle of Morocco's transitional justice framework. Reparations were implemented through nationally designed mechanisms that reflected local realities and responded to the needs of affected communities. More than **80,000 cases** were processed through reparations programmes, while community-based initiatives addressed the long-term consequences of political marginalization in affected regions. The ERC's final report also reflected the political sensitivity of the process, including the decision not to publicly disclose the names of perpetrators.

Rather than presenting a model to be replicated, the Moroccan experience illustrates how transitional justice can evolve through nationally owned institutions, political dialogue, and gradual confidence-building measures. Its relevance for Yemen lies less in reproducing specific mechanisms than in demonstrating the importance of political consensus, locally grounded approaches, and sustained commitment to addressing the legacy of past violations.

Yemen's Transitional Justice Trajectory: From Political Transition to Open Conflict

An Interrupted Transitional Justice Process

The Moroccan experience provides important lessons on the conditions that can enable transitional justice. Yemen's experience, however, reflects the complexities of pursuing justice in the midst of protracted conflict, institutional fragmentation, and shifting political realities.

Yemen's engagement with transitional justice predates the current conflict. During the political transition that followed the 2011 uprising, transitional justice featured prominently in discussions on state-building, accountability, and national reconciliation. Efforts were made to establish legal and institutional mechanisms capable of addressing past violations, including investigations, reparations, truth-seeking, and reconciliation measures. Political agreements also reflected attempts to balance justice with political compromise, including immunity provisions for former officials, public apologies for historical grievances in Southern Yemen, and the preparation of a draft Transitional Justice Law.

These initiatives were interrupted by the escalation of conflict in 2015, following the Houthi's coup and the subsequent collapse of state institutions. The fragmentation of political authority and the emergence of multiple centres of power made it increasingly difficult to uncover the truth, conduct investigations, establish accountability mechanisms, or implement reparative

measures. The conflict also transformed patterns of victimization, with individuals and groups previously regarded as victims later becoming perpetrators, while former perpetrators also became victims in later phases of the conflict.

The involvement of regional and international actors further complicated the accountability landscape. Human rights violations committed by external actors, including the Arab Coalition and the United States, added additional layers of legal and political complexity to any future transitional justice process. In this context, the implementation of conventional first-generation transitional justice models, based on fact-finding, trials, and institutional reform as sequential steps-appears unlikely in the immediate term.

Comparative experiences demonstrate that transitional justice does not follow a single trajectory. In countries such as South Africa and Chile, accountability took different forms: in South Africa, perpetrators who confessed received amnesty, while in Chile some perpetrators remained imprisoned after refusing to plead guilty. Argentina also illustrates how justice and reconstruction may evolve through different sequencing depending on political conditions. These examples highlight that transitional justice processes must adapt to national realities rather than follow rigid models.

Preparing the Foundations for Future Justice

Applying comparative lessons to Yemen requires acknowledging the country's distinct political, institutional, and social realities. Transitional justice cannot be transferred from one context to another without adaptation. During Yemen's earlier transition, differences emerged between domestic perspectives and international standards, particularly regarding apology, accountability, and reconciliation. International frameworks provide important principles, but their implementation must reflect Yemen's political culture, social structures, and evolving conflict dynamics.

Within this context, reconstruction and social recovery may provide more realistic entry points for transitional justice than immediate criminal accountability. Prioritizing measures that restore livelihoods, rebuild institutions, and respond to victims' immediate needs can create conditions that enable broader justice mechanisms to develop over time. Such an approach does not diminish the importance of accountability; rather, it recognizes that sustainable accountability depends upon functioning institutions, political consensus, and public confidence.

Despite the continuing conflict, opportunities remain to prepare the foundations for future transitional justice. Civil society organizations, victims' groups, and community initiatives continue to document human rights violations, preserve evidence, and support victims across different parts of the country. These efforts contribute to safeguarding the historical record while strengthening prospects for future truth-seeking, reparations, and accountability once political conditions become more conducive. Rather than waiting for a comprehensive settlement, essential components of transitional justice can continue to evolve alongside broader peacebuilding efforts.

Truth, Recognition and Reparations

Reparations Beyond Compensation

The Moroccan experience approached reparations as a comprehensive process aimed at recognizing victims, restoring dignity, preserving memory, and rebuilding confidence between citizens and state institutions. Through the Equity and Reconciliation Commission, reparations extended beyond financial compensation to include truth-seeking, public acknowledgement of past violations, memorialization initiatives, rehabilitation measures, and guarantees of non-repetition. This broader approach reflected the understanding that addressing human rights violations requires recognition of both material losses and the long-term social, psychological, and moral impacts of abuse.

Recognition itself became an essential form of justice. For many families of forcibly disappeared persons, establishing the fate and whereabouts of missing relatives represented a fundamental element of redress. Public acknowledgement of violations, preservation of historical memory, and official recognition of victims' experiences were therefore treated as essential components of reparative justice, reflecting the principle that restoring dignity often begins with acknowledging the truth.

The ERC adopted both **individual and collective reparations**, recognizing that political repression affected not only direct victims but also entire communities. Individual reparations addressed victims of arbitrary detention, enforced disappearance, torture, and other grave human rights violations. Collective reparations expanded the concept of victimhood by recognizing that regions and communities could suffer collectively from political repression,

including areas associated with secret detention facilities or subjected to collective punishment and long-term marginalization.

The ERC and the *National Council for Human Rights* implemented **149 direct collective reparations projects** with the support of the European Union and other partners. These initiatives included investments in education, health facilities, roads, cultural projects, and community services. The Human Rights Development Network and several ministries also contributed to efforts aimed at connecting marginalized regions to more developed areas through infrastructure and public service projects. Although limited resources prevented all affected areas from receiving support, priority was given to smaller projects with tangible impact, especially those benefiting women.

Between the Arbitration Commission and the ERC, more than **27,000 victims** benefited from compensation, while approximately **9,000 beneficiaries** received health insurance to address the long-term physical and psychological consequences of past violations. Earlier compensation mechanisms also provided redress to more than **7,000 victims**, most of whom had experienced enforced disappearance and arbitrary detention. These measures demonstrated that reparations could combine financial compensation with health, social, moral, and community-based forms of redress.

Morocco's reparations framework also incorporated the differentiated experiences of women. In addition to ensuring equal access to financial compensation, the ERC recognized gender-specific harms resulting from detention and political violence, including rape, gender-based violence, denial of motherhood, denial of reproductive rights, and degrading treatment experienced by women in detention. Such recognition was essential to ensuring that women's experiences were not treated as secondary or invisible within transitional justice processes.

Reparations as an Entry Point for Yemen

Yemen presents similar needs despite the continuation of armed conflict. Victims of landmines, enforced disappearance, arbitrary detention, displacement, conflict-related sexual violence, property seizure, job dismissal, and other violations continue to require immediate forms of support that cannot wait for a comprehensive political settlement. Reparations should therefore

not be viewed exclusively as a post-conflict measure, but as an entry point for recovery, recognition, and confidence-building.

Previous initiatives undertaken during Yemen's political transition provide important foundations for future reparations mechanisms. In 2013 and 2014, official apologies were issued and reparations funds were announced to address cases of state seizure of private property and arbitrary dismissal from public employment. Although these efforts were suspended after the escalation of war, they demonstrate that elements of reparative justice had already been explored within the Yemeni context.

Yemen also has a legal foundation that could be activated under an inclusive political settlement. The draft *Transitional Justice Law* includes mechanisms for administering reparations and refers to international legal standards related to compensation and redress. It also proposes the creation of a Yemeni fund open to regional and international assistance. Such a mechanism could provide an institutional basis for both individual and collective reparations in the future.

At the same time, reparations in Yemen should not rely solely on formal state institutions, particularly while many institutions remain weakened or non-operational. Traditional, tribal, and local mechanisms can contribute to moral and community-based reparations by acknowledging harm, restoring relationships, and supporting victims before a comprehensive national framework is established. Regional and international actors can also support collective reparations, provided such support reinforces nationally owned priorities and does not substitute for Yemeni leadership.

Ultimately, reparations are not merely financial measures. They are tools for restoring dignity, acknowledging victims, rebuilding social trust, and preventing recurrence. In Yemen, they may offer one of the most practical entry points for transitional justice while broader political and accountability questions remain unresolved.

Civil Society and Community Ownership

Victims' Associations and Civil Society

Efforts to advance transitional justice extend beyond formal state institutions. In contexts marked by political transition, conflict, or institutional fragility, victims' associations, women's

groups, and civil society organizations have played a central role in documenting violations, preserving collective memory, supporting victims, and sustaining demands for truth, justice, and accountability.

In Morocco, victims' movements laid much of the groundwork for the country's transitional justice process. Before the 1980s, committees formed by mothers of abductees demanded justice for their sons, who had been arbitrarily abducted by political actors. Their struggle carried similarities to mothers' movements in Argentina and became a significant part of Morocco's broader human rights journey. These movements contributed to the release of political detainees, the establishment of national human rights institutions, and the creation of reparations mechanisms.

The families' movements were not limited to demanding compensation. They helped finalize the factual record used in negotiations with the state, interacted with national institutions, and demanded broader recognition of truth, memory, and institutional reform. A distinguishing feature of Morocco's victims' organizations was their inclusivity. They brought together victims from the 1960s to the 1990s, across different political conflicts and ideological backgrounds, including periods marked by political assassinations. This ability to represent the diversity of Moroccan victims strengthened the legitimacy of the reconciliation process and placed victims' rights above political divisions.

Civil society also played a key role in facilitating political will. The Moroccan process succeeded not only because state institutions were willing to act, but also because victims' associations and human rights organizations sustained pressure, mobilized public support, and helped political actors agree on issues that united them. Beginning with areas where consensus was possible allowed the process to advance despite disagreement over accountability.

Community Ownership in Yemen

Yemen has witnessed similar civic efforts despite the absence of a comprehensive transitional justice framework. Families of abductees and disappeared persons continue to advocate for truth and accountability, while civil society organizations document violations, preserve evidence, support victims, and maintain public attention on justice. These efforts are essential in a context where formal institutions remain fragmented and unable to fulfil their responsibilities.

Community-led initiatives further demonstrate that transitional justice is not exclusively dependent on formal political agreements or functioning state institutions. Local mediation, victim support networks, documentation efforts, media initiatives, and locally led reconciliation practices—described as forms of **“daily justice”**—continue to address victims’ needs before a comprehensive political settlement is reached. These initiatives help preserve demands for truth and recognition while strengthening social cohesion and reducing the risk of retaliation.

This is particularly important in Yemen, where unresolved grievances can fuel cycles of revenge. If the state does not provide people with a sense of justice, communities may seek justice through retaliation, further undermining prospects for sustainable peace. Civil society participation is therefore essential not only for documenting violations but also for addressing the past, supporting institutional reform, promoting reconciliation, and helping Yemen move toward a more inclusive future.

Women's Leadership in Transitional Justice

Women occupy a central place within these efforts. They are direct victims of Yemen’s repeated cycles of violence and ongoing conflict, having experienced abduction, extortion, sexual assault, arbitrary detention, and other human rights violations. They are also indirect victims as wives, mothers, daughters, sisters, and relatives of those who have been arrested, disappeared, killed, or displaced. Their role in transitional justice should therefore be understood both through their experiences as victims and through their leadership as advocates, community actors, and changemakers.

Women’s organizations and informal networks have led documentation initiatives, supported victims’ families, promoted dialogue, and established local responses to urgent humanitarian and social needs. In Yemen’s current “no war, no peace” phase, women have also led small community projects and economic initiatives, including efforts to support women’s livelihoods and employment. The Women’s Solidarity Network was identified as an important actor in supporting women’s economic empowerment, which cannot wait until peace is achieved.

Meaningful transitional justice in Yemen will require sustained engagement with victims’ associations, women’s organizations, community leaders, and civil society actors. Their participation in the design, implementation, and oversight of future justice mechanisms will be

essential to ensuring national ownership, strengthening public legitimacy, and developing approaches that respond to the experiences and priorities of those most affected by conflict.

Proposed Recommendations

Drawing on the comparative experiences discussed during the webinar, the following recommendations emerged to inform future transitional justice efforts in Yemen:

- **Integrate transitional justice into future political negotiations**, ensuring that victims' rights, truth-seeking, reparations, institutional and legal reform, memory preservation, guarantees of non-repetition, and engagement with international mechanisms are treated as essential components of any political settlement rather than deferred until after a peace agreement.
- **Develop a context-specific transitional justice framework** that reflects Yemen's political, institutional, and social realities while drawing on comparative experiences and remaining consistent with international human rights standards.
- **Adopt a phased approach to transitional justice**, beginning with areas where political consensus is achievable, including truth-seeking, reparations, institutional reform, memory preservation, and guarantees of non-repetition, while creating conditions to address more sensitive accountability measures over time.
- **Advance reparations as an early confidence-building measure**, recognizing that individual, collective, material, and moral reparations can begin before a comprehensive transitional justice process is fully established, particularly for victims with urgent and ongoing needs.
- **Strengthen documentation and truth-seeking efforts** by supporting victims' associations, civil society organizations, and community initiatives in preserving evidence, documenting violations, and safeguarding historical memory in preparation for future accountability and reparations mechanisms.
- **Ensure meaningful participation and national ownership** by engaging victims, women, civil society organizations, and affected communities in the design, implementation, and oversight of future transitional justice processes.

- **Build on existing legal and institutional foundations**, including the draft Transitional Justice Law, previous reparations initiatives, and proposed compensation mechanisms, while strengthening institutional capacity to implement future justice measures when political conditions permit.
- **Support community-based reconciliation and “daily justice” initiatives** that address local grievances, strengthen social cohesion, prevent retaliation, and complement future national transitional justice efforts through locally owned approaches that foster trust and resilience.
- **Mobilize sustained regional and international support** through technical assistance, institutional capacity-building, and long-term support for reparations, institutional reform, and victim assistance programmes, while ensuring that international engagement reinforces nationally led priorities and processes.
- **Promote political will as a prerequisite for sustainable transitional justice**, recognizing that legal frameworks alone are insufficient without commitment from political actors, state institutions, civil society, and communities to address victims’ rights and close the files of past violations through a credible justice process.