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Hegasy, Sonja

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## Boukhari and Shaftari – »Memory-confessions« of two Arab perpetrators

Sonja Hegasy, Zentrum Moderner Orient

### Introduction

Between 1975 and 1990 the Lebanese population went through a bloody civil war whose repercussions are obviously still weighing severely on society up to today. Nearly twenty-five years after its end, the conflicting parties cannot agree on a single narrative of events. Memory of the civil war is still organized according to sectarian divides. Militia leaders have meanwhile become venerated members of the political elite. Remembering the mutual assault and debating its causes has been regarded by many in Lebanon as a form of keeping the destructive forces alive. »No vanquisher – no vanquished« or »It was a war outsiders fought on our territory« are the most commonly heard phrases. Looking back and researching events of the war is regarded as a threat to the minimal balance acquired after the conflict. This has led to the victims being unheard and left on their own. Against this form of forgetting, human rights activists have started projects to extract memories of the war-time from all sides and through all generations.

The second country I look at here is Morocco where civil society has brought about a debate on mass human rights violations by the state following independence in 1956 until the death of Hassan II in 1999. Since then, several initiatives have turned towards the victims and looked after their physical and mental needs. The monarchy took this up in creating an Indemnity Commission which was followed by a Truth Commission in 2004. Morocco has seen a lively debate about its violent past in the media and numerous cultural projects. By December 2013, according to the Conseil national des droits de l'homme (CNDH), 26,063 victims had received indemnification for violence exerted by official as well as secret state organs through the

Equity and Reconciliation Commission (ERC) and its current follow-up body the CNDH (*TelQuel* No 625, 20-26 June 2014). A campaign for the missing is still under way.

Citizens critically call the approach to come to terms with the past in Lebanon a state-sponsored policy of »amnesia to turn the page« or »closing the chapter« whereas in Morocco the strategy of the monarchy is referred to as »reading the page, then turning it«.

### The actors

This working paper for the first time looks in a contrasting way at the memories of two Arab perpetrators; one of them a former Christian militia leader from Lebanon, the other a former secret service agent from Morocco. I chose their pleas for comparison as both came forward with the rare intention to take over responsibility and ask for forgiveness. Contrary to the majority of perpetrators, Ahmed Boukhari and Assaad Shaftari both have admitted their crimes repeatedly. They also describe their own participation in detail, not glossing over their own deeds. I am most interested in two aspects here: How do they treat their own guilt? And how is their action appropriated by further actors, like victims, activists, family or neighbours?

Perpetrators' testimonies surely constitute highly constructed narratives about the past. In order to explore how personal memory enters into spheres of public awareness, and how this actualises public consciousness as well as historical review, a research group at ZMO<sup>1</sup> constituted itself around

<sup>1</sup> This working paper was developed as part of the former research group Transforming Memories by ZMO and the Beirut-based UMAM Documentation & Research to investi-

the term »transforming memories« (see also Assmann and Shortt 2012). Arguably, any memory that is not kept to oneself might be regarded as »transforming memory«. But with the emphasis on its transformative quality, the ZMO group stressed the look at its changing social as well as political repercussions: Perpetrators' predictions influence debates on amnesties, law enforcement and justice currently under way in both countries – all the more evident in state efforts to defame their testimonies of violence. This has led me to regard the avowals by the Lebanese former militia fighter Assaad Shaftari and the Moroccan former agent Ahmed Boukhari as significant; despite the fact that for example in the Moroccan context Boukhari's »mémoires-confessions« are regarded by critics as »a bunch of lies« or »overflowing with greed to monetize the past«.<sup>2</sup>

The term »memory« here covers accounts of the past in different forms, like memoirs, testimonies, confessions, intergenerational dialogues as well as lived commemoration, always keeping in mind its interlinked but subjective quality. The literature agrees that memory is a process whereby the past is evoked answering to an urgent (individual as well as collectively communicated) need of the present. In order to capture the different historical contexts of civil war in Lebanon and grave human rights violations in Morocco in one analytical term I suggest to speak here of memories of »political violence«. Both initial texts were published around the same time: In June 2001 Ahmed Boukhari, a former agent of the counter-subversion unit at the General Directorate for National Security, Cab 1, gave his testimony on a number of missing persons to the independent weekly *Le Journal hebdomadaire*. The most well-known among them being Mehdi Ben Barka, a prominent leader of the Moroccan left. A year later Boukhari published what he called »mémoires-confessions« under the title *Le secret. Ben Barka et le Maroc. Un ancien agent des services spéciaux parle...* (2002 Paris: Michel Lafon). Assaad Shaftari was a high-ranking officer in the Maronite Lebanese Forces and deputy of Elie Hobeiqa who commanded the massacre of Sabra and Shatila in 1982. Around 150 Maronite militiamen mutilated, raped and killed Palestinian refugees then, most of them civilians, in retaliation for the murder of Bachir Gemayel, President-Elect of Lebanon.<sup>3</sup> In 2000 Assaad Shaftari published a let-

gate the socialization of traumatic memories. For more information see *Transforming Memories: Cultural Production and Personal/Public Memory in Lebanon and Morocco*. [www.zmo.de/forschung/projekte\\_2014\\_2019/Transforming\\_Memories.html](http://www.zmo.de/forschung/projekte_2014_2019/Transforming_Memories.html)

<sup>2</sup> Interview with an unnamed human rights activist on 24 June 2014 in Rabat.

<sup>3</sup> Gemayel was killed the day after his election on 14 September 1982. Until his assassination in 2002, Hobeiqa himself always denied any responsibility for the massacre.

ter of apology and asked his victims for forgiveness for his crimes. Besides their texts I will refer to three films with their participation to examine the performance or staging of their acknowledgements: *In Place* by Monika Borgman and Lokman Slim (2012), *Sleepless Nights* by Eliane Raheb (2013) as well as an interview by *Radio France Internationale* (RFI) with Ahmed Boukhari.

The Lebanese as well as Moroccan French-speaking press uses the terms *bourreau* (hangman) or – less frequently – *tortionnaire* to denote the practitioner of violence during the Lebanese Civil War or the Moroccan *Years of Lead* (commonly covering the years 1956–1999). Both French terms clearly address the agony of torment. In Arabic you find terms, which pretend more neutral stances: Crimes are often simply designated as »the event(s)« (*al-hadtha/hawādith*). Assaad Shaftari uses the dispassionate term »deeds« to ask his victims for forgiveness (*'ataḍar 'an 'af'ālī*). Saadi Nikro has pointed out that fighters in the Lebanese Civil War are often simply called »participant« (*al-mushtarik*) in retrospect.<sup>4</sup> But in their self-designations, other perpetrators also use the term *al-jallād*, best translated as executioner or hangman or *al-jāni* and *al-murtakib* (perpetrator).

I will continue to use the term »perpetrator« in the following as a more value-free and less emotional umbrella term for crimes committed. Whereas in Lebanon several perpetrators from all ideological backgrounds have spoken out (Assaad Shaftari, Regina Sneifer, Joseph Saadé, Karim Muruwa), in Morocco it is so far basically only Ahmed Boukhari<sup>5</sup> as well as the detective el-Khulti. In addition, in June 2006 the news magazine *TelQuel* featured an interview with an anonymous torturer<sup>6</sup> In Lebanon, the open self-incrimination can be attributed to the national reconciliation agreement signed in Ta'if in 1989 to end the civil war. Following the agreement, an amnesty was issued for all political crimes carried out before 1991, so that the »civil war chapter« could finally be closed. This, of course, gave perpetrators impunity from legal redress in Lebanon.

The question remains of how to compare the extreme violence and social disruption of a civil war with human rights violations against a segment of

<sup>4</sup> Presentation at ZMO 30 May 2013.

<sup>5</sup> On the abduction of Mehdi Ben Barka, a number of French officials have spoken out though with dubious backgrounds and no resilient information. See Antoine Lopez (2000).

<sup>6</sup> Anonymous interview with a torturer in *TelQuel*, 17 June 2006. Ahmed Benchemsi, editor of *TelQuel*, justified giving the voice to a torturer by pointing to the necessity to revisit the past in order to prevent torture and any implicit complicity: »moyen d'autodéfense du régime contre les terroristes. Il est nécessaire que nous soyons choqués – pour qu'à la force de ce choc réponde la force d'une conviction: plus jamais ça.« (*TelQuel* 6 July 2006). I thank Christine Rollin for providing this text.

society? There surely exists a quantitative difference with regard to the physical damage, social destruction and human polarization between an encompassing civil war and a state clampdown on oppositional forces. It is estimated that in Lebanon between 150,000 and 230,000 people died in the conflict, and that a further 115,000 were injured out of a population of four million inhabitants. A fifth of the population was forced from their homes and large areas of Beirut were destroyed.

In the case of Morocco, much fewer people were affected by direct state violence. Still, complete areas (e.g. around secret detention centres) were explicitly excluded from development and literally vanished from the map. The arbitrariness of state prosecution turned the whole country into a state of fear (*hiba*). As becomes clear from the testimonies of many victims – and what is also explicitly confirmed in the writings of Ahmad Boukhari – is the arbitrariness that became the hallmark of authoritarian rule in post-colonial Morocco. As in a civil war, death and arrest could affect anybody: neighbours, friends or passers-by. Persecution was carried out randomly against anybody in the wrong place at the wrong time. Not only was the state unable to secure the adequate well-being of its population, but it also turned against its own citizens. In Morocco, this led to an overall paralysis and the near complete stifling of any meaningful political activism in the 70ies and 80ies (exceptions are e.g. the bread riots).

In contrast to Morocco, in Lebanon, victims have often not even received any medical check-up after they survived their plight. Many perpetrators lead a very good life, belonging to the political elite of the country and traveling freely around the globe show-casing their trajectories. The amnesty law has worked to impede efforts pursuing accountability and appropriate applications of social justice and welfare for the victims. At the same time, as we will see, it enabled perpetrators to speak out (sometimes anonymously) in various public *fora* (see e.g. the film *Massaker* (2004), Assaad Shaftari's plead guilty act or the memoirs of Joseph Saadé published in Arabic translation by Dar al-Jadeed under the title *I am the victim and the torturer am I* in 2005<sup>7</sup>).

The two avowals presented here constitute an exceptional form of admission and take on responsibility in contrast to statements that claim any refusal to carry out orders would have meant one's own death. What Harald Welzer (2013 [2005]) has called presenting one's own biography »without any psychological crack« (»psychologische Bruchlosigkeit«) cannot be attributed to Boukhari and Shaftari. Shaftari is today shaken to the core and displays such »cracks« physically (e.g. in a

constantly shaking left hand) as well as verbally. He recognizes in retrospect under which circumstances he became a fighter, but at the same time, he does not understand today why he was following an erroneous version of Christianity; thus he does not present his biography as logic in retrospect.

»God« seems to play an important role in the »confessions« by Boukhari as well as for Assaad Shaftari as we will see below. A Christian priest forgave Shaftari's crimes over and over again and sent him and his comrades back to killing. Both Boukhari and Shaftari refer to the Day of Judgment as a motivating force for their public interventions, though Boukhari addresses it in pointing to his peers, not to himself personally.<sup>8</sup>

If we consider the process from one of the first personal accounts on disappearance and torture during the Moroccan Years of Lead in 1982 by Abdelatif Laâbi until today, when there is still a struggle over determining a list of suspected torturers to initiate proceedings against them, we recognize an immensely difficult and tedious process of coming to terms with a violent past unfolding. Laâbi, a well-known poet and writer, was one of the first victims to share his ordeal, while further memoirs and recollections processed in different artistic and pedagogic formats are still coming out today. In the following I will first present both perpetrators separately, staying closely to their own predictions. I will look at the reputed reasons for their confessions, their staging and reception of each of their testimonies. I will then probe into the difficult relationship between perpetrator's pleas and the space of manoeuvre for victims. The research shows the high interdependency between perpetrators' and victims' memories in the process of negotiating an understanding of the past. Their interplay is decisive for shaping the agendas by which history is debated and memory is selectively deployed. Subsequently I ask, what these deliberations mean for the often-demanded »reconciliation of societies«, sometimes claimed to reconcile society »with its own history« and sometimes »amongst itself«. This section will deal with the differences between a case that passed an amnesty law (Lebanon) and a country that instituted a truth commission (Morocco). In the conclusion I will come back to the dynamics created by Boukhari and Shaftari and the potential of their admissions. With memories of violence often formulated as allegedly collective and thus impersonal ones, individual perpetrator testimonies transcend established narratives, advance the dialogical capabilities of memories and – most importantly in my view – constitute an important breach of the surrounding silence.

<sup>8</sup> With reference to the memoirs of Lebanese communist leader Karim Muruwa from 2002, Sune Haugbolle remarks that such expressions of regret are not tied to religious convictions only. (Haugbolle 2010: 150)

<sup>7</sup> First edition in France in 1989.

## Morocco

In *Le secret. Ben Barka et le Maroc* Ahmed Boukhari builds his testimony on three elements: »aux rapports établis par les agents, aux films tournés par les policiers et aux confidences des témoins« (2002: 179). He claims that the aim of the secret operation led by Mohamed Achaâchi was to bring Ben Barka back to Morocco alive.<sup>9</sup> Boukhari dedicates his book »To: Mehdi Ben Barka et les siens, aux disparus et à leurs familles, à tous ceux qui ont payé de leur chair pour édifier un Maroc meilleur«. What does it mean when a perpetrator dedicates his memoirs to a victim? Does it speak of a sincere will to contribute to the clarification of the crime and break with the predominant silence? Or is it a form of ›self-absolution‹? Or even the ultimate cynicism, a gesture that forbids itself in the light of the on-going suffering by victims and the families in the present?

To this day, the family of Mehdi Ben Barka does not know what happened to him after he was abducted in broad daylight in Paris in October 1965. Ben Barka, a famous resistance fighter against the French mandate in Morocco and founding member of the Istiqlal Party in 1944, served as the country's first parliamentary president from 1956 to 1959 (at the time a National Advisory Council). Afterwards he co-founded the Union Nationale des Forces Populaires (UNFP), a socialist offshoot of Istiqlal. In 1962, Ben Barka was accused of high treason and sentenced to death in absentia in exile in Algeria. Three years later, Ben Barka was kidnapped in Paris in a joint operation by France's external intelligence agency and the Moroccan secret service and subsequently tortured to death. At the time he was preparing the *Tricontinentale*, an international conference in Havana. It was there that liberation movements from Africa, Asia and Latin America met in order to exchange ideas on development strategies and ways to resist neo-colonial expansion. But Ben Barka disappeared and his body was never found.

In 1966 and 1967, several agents were put on trial in France and convicted though they are commonly regarded as the mere henchmen of the operation. Ahmed Dlimi, then head of the Moroccan security services, turned himself in to the French justice system seemingly against the will of Hassan II. He was acquitted in the end, though it seems certain today that he was part of the mission to kill Mehdi Ben Barka.<sup>10</sup> The then Minister of the Interior Mohammed Oufkir was convicted of murder in ab-

sentia. Oufkir, a highly decorated veteran of the Second World War and of the French war in Vietnam, had been interior minister from 1967 to 1971, and was notorious for his ruthless actions against political opponents.<sup>11</sup> Several efforts by French courts to reopen the case of Mehdi Ben Barka in 2007 and in 2009 were obstructed by the Moroccan authorities. And relations between Morocco and France are still strained when it comes to the murder of Ben Barka on French soil.

The case of Mehdi Ben Barka remains unsettled and stirs up protests and intense media attention. The family still seeks to know the truth and identify the main collaborators. For many citizens, Mehdi Ben Barka continues to represent an alternative for social justice in a region that grapples more and more vehemently today with the years of independence and the badly disappointed hopes connected to the new leadership.

In his *mémoires-confessions* Ahmed Boukhari writes that at the time of the kidnapping of Mehdi Ben Barka he was a telephone operator at the headquarters of Cab. 1 and had to pass on orders from Fontenay-le-Viconte. What he calls »having witnessed« the murder is in fact a reconstruction of knowledge he received from third parties days later. According to Boukhari, Ben Barka died under torture by Ahmed Dlimi. His former superior Mohamed Achaâchi, his colleagues Saka and Mesnaoui as well as Mohammed Oufkir and several other agents were present at the site. Hence, Ben Barka's body was flown to Morocco and dissolved in an acid bath, whose construction Boukhari himself had supervised earlier and describes in detail in the book. The »dissolution in acid« had always been used as a media hook and got wide media attention.<sup>12</sup> Other theories have since been voiced as well, but no certain course of events has been established and the main perpetrators escaped judicial persecution.<sup>13</sup>

### The text

One notes at the beginning of his text that Boukhari is not able to start with himself: He starts off with an alleged reunion in May 2011 (i.e. one month before *Le Journal hebdomadaire* published his account) between himself, his former superior Mohamed Achaâche and his former colleague Mohamed Mesnaoui, all of them by now retired. Boukhari claims that the other two, and a third person, Abdelkader Saka, were present in Paris during the murder of Ben Barka. Boukhari recounts that

<sup>9</sup> Nils Riecken directed me to the relevant chapter in Abdallah Laroui's book *Le Maroc et Hassan II. Un témoignage* which rather confirms this account (Québec 2005: 43-50).

<sup>10</sup> These events still need to be recounted as alleged and presumable since the truth was never established. An important breach of the institutional silence was Gilles Perrault's book *Notre ami le Roi* (Paris 1991).

<sup>11</sup> Oufkir himself was assassinated after a second failed attempt on Hassan II in 1972 which he apparently backed.

<sup>12</sup> See e.g. *J'ai vu tuer Ben Barka* by Serge Le Péron (France, Morocco 2005), *Ben Barka. L'équation marocaine* by Simone Bitton et Patrice Barrat (France) or *Qui a fait disparaître Ben Barka?*

<sup>13</sup> Most under consideration have died in the meantime.



Mesnaoui and Achaâche shared in their meeting that they were not able to forget the sad and remote look of Mehdi Ben Barka dying:

In front of me both men, on the verge of tears, relate at length these long hours loaded with consequences. They wonder, anxiously, what judgment God will pronounce in the hereafter against the accomplices of this drama. In any case they know that, here below, they will eternally be haunted by the image of their victim perishing under torture and the strokes they witnessed. (Boukhari 2002: 12, 13)<sup>14</sup>

Needless to say that all three men sent indignant counter statements to the editors of *Le Journal hebdomadaire*, which were published.<sup>15</sup> Boukhari also faced defamation lawsuits by his former state police colleagues.

### *Changing milieu*

Why did Boukhari come forward in 2001/2? Boukhari states that he published his knowledge because the circumstances seemed favourable to him with the accession to the throne by Mohammed VI in 1999. His *mémoires-confessions* were published in the middle of a process to address the victims' demands and needs, that was first done through the non-governmental initiative of former political prisoners in the Forum Verité et Justice (FVJ), and then in 2004 through royal decree<sup>16</sup> that created the official Instance Équité et Reconciliation. Boukhari's intention was to share his testimony as a sort of a contribution to the »verve in a country in transition«. Morocco now would have a chance to reconcile itself with its past in order to guide its future as well (»pour mener à bien son avenir«), he claims.

Doesn't the past belong to all Moroccans in this atmosphere of openness? Doesn't the Ben Barka family have the right to finally know the truth? Don't the families of all the missing persons and of all the victims of these dramatic times have the right to know the truth too? The wind of freedom encouraged me to write my memoirs and confessions concerning the Ben Barka case as well as other manipulations, disappearances, tortures or abductions perpetrated in the 50's, 60's and 70's. (Boukhari 2002: 14)

<sup>14</sup> Translations in the text are done by the author.

<sup>15</sup> Achaâchi claimed that he had never been in France in his entire life, Mesnaoui that he traveled to France for the first time in 1969 and Abdelkader Saka (who was according to Boukhari ill for the meeting of the three pensioners) only started in the counter intelligence in 1966, i.e. a year after the assassination of Ben Barka. Mohamed Achaâchi died in 2003.

<sup>16</sup> Dahir Nr. 1.04.42 from 10 April 2004 (19. Safar 1424 h.), *Bulletin Officiel*, 12 April 2004.

Boukhari connects his publication with the new, pressing debate to publically negotiate the past and find ways for reconciliation.

Nowadays, many questions are being raised in Morocco. The country wants to know. Will we look into the events marking the *Years of Lead*? Will we initiate in-depth investigations? Will we rehabilitate the memory of the victims? Public opinion is claiming its dues. People want to know how so many innocents disappeared. At Cab 1, we estimated the annual average of the abductions as being 300 between 1960 and 1973, excluding the thousands of single abductions which go along with the many plots that marked that time. (Boukhari 2002: 264)

Boukhari asserts that he had previously on two occasions thought about speaking out, once in 1971 and a second time in 1983, but had always been afraid to put his life and his family into danger (2002: 288, 289). The »wind of freedom« after 1999, had finally motivated him to write what he calls his *mémoires-confessions* (p. 14). In an interview with RFI, Boukhari regards the return of the family of Mehdi Ben Barka to Morocco as a turning point for him to speak out about the state's involvement and what he called the state's comedy to pretend that the assassination of Mehdi Ben Barka was a purely »Franco-French« affair. But other causes lend themselves as well for explication: It could be a settlement of accounts with his superiors, but it could also have been unabashed self-esteem with another book having just been published in France in 2000, namely Antoinette Lopez' *Confession d'un espion. Par le dernier témoin vivant de l'Affaire Ben Barka*. In his book, Boukhari devotes four pages to contradicting Lopez: Here he calls him just a small cog in the machine (*rouage*) and lists six living witnesses by name and whereabouts. Boukhari claims that there were five direct witnesses to the dissolution of Mehdi Ben Barka in an acid bath out of which three were still alive in 2002 (199 f.). Though the most sensational parts in his account are those concerning the fate of Mehdi Ben Barka,<sup>17</sup> Boukhari makes an effort to shed more light on the less publicized cases of disappeared and deceased as well. In this respect Boukhari's testimony is of value since it showed how the *Years of Lead* choked political and social life in the country. The alleged acid bath might be an explication why many of the disappeared were never identified. At the time his descriptions of state violence furthermore confirmed the accounts of the victims – which might today after the work of the ERC be less important – but at the time when victims were

<sup>17</sup> Boukhari admits that he had in 1964 been part of a mission to kill Mehdi Ben Barka in Algiers which failed.

still delegitimized as »communists who unnecessarily« went against the monarch and commander of the faithful, it was an important contribution. With Boukhari's detailed accounts of abduction centres (called *points fixes*), the infamous Derb Moulay Cherif in Casablanca or Dar el Mokri in Rabat, wiretap operations, intimidations and torture of political activists and their close-ones, Boukhari in 2001 – on the one hand – supports the emerging claims of the victims. On the other hand he cannot conceal his pride throughout the book about his activities as a secret agent and his cleverness. Among many other stories, Boukhari tells us that whilst Dlimi tortured Ben Barka to death, and Oufkir was at the time in the same villa, the two of them were only the »show-window« (fr. *vitrine*) of the crime since they would not have been able to organize such an abduction.

Indeed, they were Ben Barka's murderers, but they were in no way the perpetrators nor the organizers of the abduction. They would actually have been unable to fulfil such a mission which required patience, and precision and thoroughness. (Boukhari 2002: 197)

In passing, Boukhari also suggests how the attack on Hassan II in 1971 in the palace of Skhirat could have been pre-empted (p. 220 ff.). Throughout, the text is characterized by this omniscient and omnipotent self-portrayal, an underlying presumption that repels victims. Very often perpetrators cannot completely relinquish their former reasoning and thus the character of a »confession« is all too often mixed with showing off about violent deeds. Towards the end of his memoirs, Boukhari reiterates his aspiration to participate in this process of elucidating the truth in Morocco and that his contribution should become »a stone in the construction of a monument that the country needs to erect for the victims of the repression.« (2002: 289)<sup>18</sup> Under pressure to take back the entire book after the first article had appeared in *Le Journal hebdomadaire*, Boukhari states: »I did not desist. So that Morocco, in looking back at its past, may finally turn the page.« (Boukhari 2002: 17)

After the parallel pre-print publication in *Le Journal hebdomadaire* and *Le Monde* in 2001, Ahmed Boukhari was summoned by the police to stop the printing of the book. Subsequently he was intimidated and his passport withheld until 2005 so he could not testify in France. He was subjected to a politically motivated trial that convicted him of paying with checks without cover. The Moroccan authorities moreover produced documents in order to prove that Boukhari had at the time of Ben Barka's

**18** Original: »Je souhaite que ce livre-confession soit une pierre dans la construction du monument que le pays doit élever aux victimes de la répression.«

disappearance been suspended from the secret service for nearly half a year for drunkenness and threat of violence. One year later Boukhari recounts in the book-publication that he felt the state wanted to destroy him in order to destroy his testimony. Since he was not able to obtain a passport to travel to France, he declares he wrote his book in place of testimony in court. He suggests his version could furnish information for the French investigation. Again, he states his willingness to testify in front of any Moroccan commission or court. One needs to take into account in this regard that this happens after civil society demands for clarification of the cases of disappeared and reparation for the victims<sup>19</sup> have already started to organize themselves, most notably in the Forum Vérité et Justice founded in 1999. But we need not forget from our vantage point today that it took the state another three years, until the ERC was set up. In other words, Boukhari did tap into a process under way, but it was not yet a process sanctified from above. Boukhari's *mémoire-confessions* were published by Michel Lafon in France and were first forbidden in Morocco. Today, however, Boukhari is the object of numerous interviews, also in Moroccan newspapers. During Ramadan 2014, the Arabic newspaper *al-Achbar* carried a new series of articles with Ahmed Boukhari on the aftermath of his going public.

#### *Staging as witness and investigator*

Such was the setting of the publishing of *Le secret*. But how did Boukhari stage-manage himself? He presents himself in different roles: On the one hand he intends to repent. On the other hand he wants to press ahead the judicial persecution of perpetrators notably in the most prominent case of Ben Barka. For this he offers himself as witness (e.g. to the French or any other court) and as investigator (listing questions and giving names of whom to approach). He wishes to be part of »building the new Morocco«. Boukhari displays an interest in contributing to investigating the past. In the last chapter entitled »Rouissi, Belaid, Manouzi et les autres«, which is rather an annex than a chapter, he chronologically lists eleven political activists who disappeared between 1964 and 1997 and whose whereabouts were unknown in order to support the human rights associations in their quest for truth and justice.

At present, some of the revealed disappearances have helped to understand how to bear witness and how the human rights associations could use these testimonies so as to complete each

**19** When using the term »victim« in the following, I mean victims and their families, to express my view based on my experience and conviction that their plight has also made them direct victims.

file. These emphasized names, these briefly retraced trajectories let the victims emerge from the anonymity provided by statistics and give a dramatic composition to what could be a long, disembodied list only.« (Boukhari 2002: 277)

For each of the eleven disappeared Boukhari gives a short summary of their political activities followed by his knowledge of what became known over the years. He cannot present anything new here, as he basically relies on speculation, information published by the CCDH and statements by the families, but he presents himself as the police agent, who knows whom to ask the right questions. Indeed, for a number of cases he makes up lists of what should be asked and whom to address. For the case of Abdelhak Rouissi he states that the family in 2002 still believes that Abdelhak is alive and held in secret detention. Boukhari himself doubts this after 38 years. He proposes a set of questions that he thinks would need to be answered in any sincere official investigation. Boukhari also claims that a number of police officers were ready to testify (Chap. 12).

In his capacity of self-proclaimed investigator he casts doubt about what is known about the disappearance of Abdelhak Rouissi. Why did he disappear in 1964, he asks – falsely naive in my view – a year of relative calm? Why an activist of the UMT trade union while the secret service usually went after members of the leftist UNFP who organized themselves in the underground? The only context Boukhari could imagine – and thus brings into play – are the abuses of prostitutes in 1964 by police forces and he wonders whether Rouissi was an involuntary witness. Since Boukhari does not present any proof or evidence of such an incident, the text rather denigrates the victim, which reinforces the difficulties for audiences to embrace the text. In fact, this is a theme that continues through the entire book: the complete damnation of many of Morocco's political elite as weak characters, unfaithful to political followers and wives, disloyal to party and convictions, in short notorious liars ready to betray anybody. And if they were in rare cases faithful, then their wives surely were not, as Boukhari claims to have observed. Here we see, how perpetrators are unable to relinquish their former language.

In contrast, Boukhari presents Ben Barka as the »shining light« in many respects. And Boukhari, who clarifies the case of Ben Barka, obviously hopes to stand in this light as well. Fame and monetary considerations are motives that drive perpetrators to testify, as is clear in the secondary literature as well.

### *Public reception*

What did Ahmed Boukhari's text set in motion? Two weeks after Boukhari's version, and based on his

account, the Union Socialist des Forces Populaires (USFP), successor party to the UNFP (co-founded by Mehdi Ben Barka), filed a complaint with the Moroccan authorities against Boukhari and all other secret service agents whose names he had disclosed, in order to investigate Ben Barka's case. Furthermore, the independent Association marocaine des droits humains (AMDH) updated its list of 16 suspected torturers to 45 with names from the book, demanding a parliamentary commission of inquiry as well as judicial proceedings.<sup>20</sup> Both initiatives have not been met until today. Boukhari's revelations reopened demands about hundreds of other opposition activists who disappeared in the same decade. Civil society is still lobbying around the case of Mehdi Ben Barka and the disappeared. The presentation Boukhari provides – though surely with many flaws and exaggerations – has also been influential in keeping the file open, supporting the annual demonstration in front of the parliament and the call by the national human rights council to end the de facto impunity of perpetrators. Boukhari's revelations reopened demands about hundreds of other opposition activists who disappeared in the same decade. The »coming to terms« with the past thus has very concrete repercussions on the present. One human rights activist saw the book as another important step in the »banalisation du sacré«<sup>21</sup> at the time. For him, it showed the inner workings of a monarchy based on a systematic abuse of human rights circumventing state of law procedures by any means. Though highly doubting the sincerity as well as accuracy of Boukhari, he thus exposed the machinery of repression in his eyes.<sup>22</sup>

According to Boukhari, he addresses himself to Morocco's civil society (NGOs, independent media) and its actors as well as to the French judges who are investigating the case. Only ten years after the Moroccan truth commission did the discussion on impunity and penal action against perpetrators gain increasing attention. This goes back to internal as well as external pressures. The Forum Verité et Justice continued to press for judicial prosecution as well as Amnesty International. When a new campaign started in May 2014, the Moroccan government suddenly examined the cases of 13 allegations against torturers. Demonstrations to remove the de facto impunity were held in front of the parliament in Rabat in summer 2014.

**20** AMDH Bureau Central: <https://groups.yahoo.com/neo/groups/arabicinfo/conversations/topics/282>, 7 December 2001 (download 28 July 2014).

**21** The Moroccan constitution regarded the king until its reform in 2011 as »sacred« (Article 46).

**22** Interview with an unnamed human rights activist on 24 June 2014 in Rabat.



## Lebanon

Two books preceded the *mea culpa* by former Lebanese militia commander Assaad Shaftari: in 1999, a former bodyguard of Elie Hobeiqa came forward with his account about Hobeiqa's atrocities (Robert Maroun Hatem's *From Israel to Damascus: the Painful Road of Blood, Betrayal, and Deception*). And in 2000 a sociologist published a book that called on the Maronite community to review the past self-critically (Salhab 2000). Subsequently Assaad Shaftari published a letter of apology in *An-Nahar* newspaper for his deeds during the Lebanese civil war and asked for forgiveness.

Today, I wish to apologise: to all those to whom I was an executioner or those who were my victims, whether they are aware of this or not, whether I know them or not, whether this was done directly or via others. I apologise for the horror of the war and for what I have committed during the civil war in the name of Lebanon, the cause or Christianity. I apologise for having been the representative of these notions. I apologise for considering myself a god, alone capable of putting my house and the houses of others in order through any possible means, even by violence. (*An-Nahar*, 10 February 2000)

Shaftari was involved in the massacre of Sabra and Shatila lead by Elie Hobeiqa with support of the Israeli army in 1982. The number of victims could be as many as 2,500. In line with the amnesty law, Hobeiqa was never prosecuted for any of his acts during the civil war. After the war he assumed several ministerial posts. Hobeiqa died in 2002 in a booby-trapped car. A few individual cases were exempted from the amnesty, as were crimes against foreign diplomats, but on the whole the amnesty has been applied to nearly everybody. Only one militia leader, Samir Geagea, former commander-in-chief of the Christian Lebanese Forces, was brought to trial. In 1994 Geagea was found guilty of ordering four political assassinations and sentenced to death four times.<sup>23</sup> This was later turned into life imprisonment, which he spent in solitary confinement for eleven years. In 2005, Lebanon's parliament voted in favour of an amnesty for Geagea who left prison shortly thereafter. Today he is an important member of the March 14 Alliance and an internationally renowned politician.

### *A religious conversion*

Public apologies are always presented in a filtered way no matter how sincere the effort is made. Shaftari apologized in his letter for his extremism,

<sup>23</sup> This included an unsuccessful attempt on Interior Minister Michel Murr in 1991. The fact that this occurred after the Ta'if agreement exempted the crime from the General Amnesty.

his dire deeds during the civil war, for regarding himself superior to his victims, for adhering to a deadly ideology and a distorted form of Christianity. Shaftari mentions later on that it was difficult for him to express himself in Arabic. In filmed interviews, the mixing of French and Arabic idioms makes him appear quite bourgeois and aloof. In Eliane Raheb's documentary, his wife says, her husband discouraged her from singing Arabic at home, and thus from singing generally because she liked famous Lebanese artists, like Fairuz and others. Shaftari's language and expressions reinforce a detached impression marked by the former colonial presence of the French.

The constructedness of Shaftari's ›text‹ can well be seen when he reiterates certain parts as if recited. For instance, when he is asked what triggered his public apology he will hint to the day he saw his son returning from school and talked about Muslims with the same insane hatred he had experienced during the civil war, he answers in the very same tone and posture be it in a film or during a personal meeting.<sup>24</sup> Once he states as his motive that ›I was thinking, I was twice the criminal if I did not speak out.‹<sup>25</sup> In 2013 he remarks that the apology was more difficult for him than anything he had done in the war:

It is very difficult that one stands between him and himself in front of the mirror and to admit to yourself, you were wrong. I considered it more difficult than the war altogether. [film cut] The whole period of the war I participated in, this was more difficult than that. (Taken from *In Place*, 2013, Min. 7:34-54)

The amnesty law did not mean anything to him, since he believes God will judge him. In fact he regards the amnesty law as very shallow and superficial. For one it did not expose its rationales and it did not provide a frame for those responsible to address the circumstances and their deeds. In his answers Shaftari emphasizes that it should have been a one-time provision to make sure perpetrators do not feel secure that they will receive another amnesty in the future: ›Not every day, we can make a law for a general amnesty.‹ (*In Place*, Min. 9:04)

When asked in the film *In Place* by the interviewer Lokman Slim, why he believes such apologies more often come from Lebanese Christians, Shaftari does not as one might intuitively expect hint in the first place to a Christian culture of confession and absolution. The first argument he makes, suggests that since the Lebanese Christians regard themselves as the losers of the civil war, they had

<sup>24</sup> See e.g. the film *In Place* (2013) and personal encounter 13 March 2012.

<sup>25</sup> *Sleepless Nights* 2013.

more reasons to look back and evaluate what went wrong. In the second argument he proposes Muslims might well have done so but between themselves and God, feeling no necessity to go public. [Min. 17:45]

Much less publicized is the circumstance that Shaftari belongs to a Christian group formerly called Moral Re-Armament (MRA), and working since 2001 under the name Initiatives of Change for Moral and Spiritual Renewal. MRA was founded in 1938 by the evangelist reverend Frank Buchman. Its members stress the need to change one's personal life first in order to work towards reconciliation. Towards the end of the civil war Shaftari discovered a MRA local branch in Lebanon when his family had to flee. According to Payne:

[a] high number of remorseful perpetrators have undergone a religious conversion, recovery from alcohol or drug abuse, or other forms of therapy that have often helped them develop the language of remorse. These events in their lives also create a clear break with their pasts. They can distinguish the person who committed atrocities from the remorseful person they have become. [...] But even in these cases, perpetrators face a credibility problem. Audiences view remorseful perpetrators sceptically. They doubt that individuals capable of committing atrocities possess enough humanity to feel remorse for their acts. (Payne 2004: 4)

The Initiatives of Change sees repentance, forgiveness and the rejection of ego-centrism as the basis for rebuilding society. Peter Everington, a trustee of the initiative, said in a meeting with two Muslim and two Christian perpetrators (one of them Shaftari) in the UK in April 2002:

There are many ideas competing for the soul of Britain and Europe today, as there are for the Middle East. The idea we can hold on to together is that God has a plan for His world, and each of us has a part.

This early visiting programme to the UK of four former Lebanese militiamen illustrates the attention and nurturing these perpetrators receive. Assaad Shaftari's epiphany is deeply rooted in this engagement. Though on the one hand the staging of such awakenings uses tropes, these set expressions do not necessarily go against the sincerity to contribute to truth seeking. Shaftari presents us with the story of a »new self« but he also gives the viewers insights into crimes committed.

#### *Public reception*

Following his letter of apology, Shaftari on several occasions narrated in length about random kidnappings, targeting civilians and how a Maronite

priest would grant him absolution for his deeds. In 2002 Shaftari re-iterated his plea in *al-Hayat* newspaper. The journalist Joseph Samaha was stunned that Shaftari's apology did not evocate anything else than mere silence on all sides:

Much less would have been sufficient to shake a country and trigger endless debates. We've seen examples of that, whether in Argentina, in France (where there has been an uproar over General Paul Louis Aussaresses' book about torture during the Algerian war), or in the United States when some aspects of the Vietnam War are raised. Even in Israel, the confessions of officers or soldiers can move public opinion, as happened a few weeks ago when the Supreme Court rejected Ariel Sharon's nomination of a former general as his national security advisor because information was available that he had murdered captive Palestinian fighters after they had surrendered. Nothing of this kind happened in Lebanon. No one moved. No one commented. What could have been a momentous event turned into a non-event. (*The Daily Star*, 1 March 2002)<sup>26</sup>

Shaftari has since participated in numerous reconciliation projects and related events (films, readings, exhibitions, school visits, dialogue and peace tours etc.) around the globe to spread the idea of forgiveness and that true change starts from within.

He participated in *In Place* (2004) as well as *Sleepless Nights* (2013). *In Place* starts with him reading the letter of apology out. When asked about reactions by his friends and comrades, Shaftari replies that they were extremely varied. Some congratulated him and wished they were able to come forward like him.<sup>27</sup> Others blamed him for accusing his people of being »the bad guys« of the war. Some commented that the Muslims should have come forward with such an initiative first. The rest branded him as a traitor. Reactions from the Maronite community mostly depicted Shaftari as paranoid, naïve and weak, turning against his own people. In the film *Sleepless Nights* his own son shakes his head over what he calls »over-i'tizar« by his father (i.e. over-apologizing), which he thinks should find an end. Shaftari is looked upon as someone who needlessly mangles himself. That Assaad Shaftari is willing to go a great length is documented in his participation in Eliane Raheb's documentary *Sleepless Nights*. Through an intensive period of research, recording and filming over nine years, Eliane Raheb was able to build up strong intimate links with both Assaad Shaftari

<sup>26</sup> <http://www.dailystar.com.lb/Opinion/Commentary/2002/Mar-01/110337-nation-still-in-civil-war-denial.ashx#axzz34bMRKsYf> (download 14 June 2014).

<sup>27</sup> Shaftari still works with them in the arms trade.

and Maryam Saiidi, her second main character. This allows her to intrude further than what both have already voiced publically. In several scenes Raheb pressures both of them to reveal more than they want to the viewer. She herself calls her dealing with Shaftari »an interrogation« (*tah'i*) and she corners him in several scenes. Her intention is a re-construction beyond what Bourdieu called the *surface sociale*: »Le sujet et l'objet de la biographie (l'enquêteur et l'enquêté) ont en quelque sorte le même intérêt à accepter le *postulat du sens de l'existence* racontée (et, implicitement, de toute existence).« (Bourdieu 1986: 69)

In her opening scene, Raheb directly puts a distance between herself and the interviewee Assaad Shaftari to avoid sharing the postulate of the narrated existence by the following means: The viewer can see her trying to clean the foggy lens in the back of a car while Shaftari sits in front with his back to the camera. Raheb restlessly asks, »Is there cleaning fluid? I can't clean the lens. I can't get it cleaned.« Raheb invokes that the camera is stained from what it had to record. She spells out that she will not present a »clean image« or a »cleaned image«. Consequently, she dissociates herself from any underlying acquiescence with the perpetrator in what follows.

Her own question for the film is how a perpetrator can regain his humanity? Both main characters in the film are portrayed in two scenes in their morning robe (Shaftari) and in a nightgown in bed (Saiidi), which fortifies the impression of intimate access by the filmmaker. Again, the film is a highly constructed and staged contribution to the debate on representing the past. But at the same time it exposes fabricated narratives and hence ultimately reveals truth. Answering how he had killed people, Shaftari lists a number of ways: either by a blast or by sniper fire, a shot at close range or intoxication. Shaftari acknowledges that he was »the examiner, the hangman, the executioner and the judge all in one.«<sup>28</sup> Shaftari remembers that at the time he thought what he did in the war was right.

Even that guy whom I killed with my own hands, I refused to kill him until I was sure he was guilty of belonging to a Palestinian organization that was fighting us. (*Sleepless Nights*, Min. 24:03)

It is quite unique that in his diverse interviews Shaftari is clear that he was not forced to abduct and kill: »I was not drafted into the civil war. It was an individual personal decision and in each moment of that long period I was able to – *khalas* – quit and go home.«<sup>29</sup> Shaftari explains what brought him to fight:

I was living in a sterilized virtual reality. I knew my version of the political situation: Lebanon was ours; the Muslims were there because they happened to be there – that was their problem, not mine. They were traitors for looking towards a united Muslim world. Aligning ourselves with the West seemed very natural for me. Then the Palestinians arrived with their military power and the Muslims relied on them to correct the injustice.<sup>30</sup>

Several conflicts between the filmmaker and Shaftari are included in the film: On one occasion Shaftari complains that Raheb only seems to be looking for a journalistic scoop, or that for her, it is all about images and getting a striking scene. »As for me,« he states, »I need two weeks to recover after the recording.« The film takes its title from this scene, where Shaftari complains to her how bringing back his memories means countless »sleepless nights« for him. Though clearly marking limits to what Shaftari is ready to expose, he allows the film director a degree of intrusion into his daily routine that discloses him. The fact that he brings the filmmaker in contact with his family is one important element of this. One of the strongest scenes in the film is the encounter with his fatuous Maronite parents. Singing the Marseillaise, we learn that the father was born in 1926 and thus lived under French rule. They call the day of birth of their eldest son Assaad the most beautiful day in their life and father and mother start recounting the details of his birth.

The parents change between exhibiting their pride in their son and visibly feeling uncomfortable in front of the camera having to comment on his joining the *kataeb* (Phalangists) in the context of the apology letter. In their eyes he simply defended himself, his faith and his community. They continue to sing, »The wolves have invaded the country.« When his father tries to blur the picture of the division between Muslims and Christians in the country and claims that they actually had many Muslim friends, Shaftari contradicts him.

*Father*: I remember that at »Les Frères« school I had Muslim friends. I liked them more than Christians and when we spent our summer in Aley, we had lots of Muslim Druze friends with whom we spent time and in return they came to visit us in winter, our Druze friends.

*Assaad Shaftari*: I do not remember this, Dad. I do not recall that the Druze came to visit us.

*Father*: Farhan Shehayeb used to come and...

*Assaad Shaftari*: He came once (!) to make sure we would rent his flat again but we weren't

<sup>28</sup> *Sleepless Nights* Min. 22:44.

<sup>29</sup> *Sleepless Nights* Min. 22:50.

<sup>30</sup> <http://www.afr-iofc.org/breakchain.pdf> (download 14 June 2014).

friends with him! No, no, you did not have relationships with Muslims. (*Sleepless Nights*, Min. 13:54-14:30)

What follows are embarrassed looks by the parents; the scene ends with them staring at the ground while Shaftari stares at the ceiling. Later in the film, Shaftari recounts that after he published the *Letter of Apology*, his mother asked him to forgive her if she had been the cause for his involvement. Shaftari adds to this that she was indeed the head of the family. In the same vein, the long appearance and in-depth interviews with his son and wife Mary are moments of negotiating the past and testing joint narratives.

The fact that a perpetrator of the massacre of Sabra and Shatila allows a documentary filmmaker access to his closest circle of support and emotional sustenance, namely his parents, wife and only son, constitutes an important element of truth-seeking. The context of the crimes is exposed, put under perusal scrutiny and becomes part of recognizing what had happened in the country. The critical (i.e. not for propaganda use) portrayal of the perpetrator in his family milieu and the unmasking of the intimate relation between the perpetrator and his parents constitute a strong probing into the causes of the civil war and its aftermath in my view. Shaftari's objection to his father also shows how individual memories are employed and shaped and through the mediatisation by Eliane Raheb re-socialized.

The same applies to the generational conflict taking place between Shaftari and his only son whom he named Elie (as a tribute to Elie Hobeika?): Eliane Raheb shows him photos he had not seen before from his father surrounded by the Christian political elite at the time: Bachir Gemayel, Paul Aariss, Elie Hobeika and others. It is a mixture of pride (»To think of what he was when he was my age... I'm nobody now!« *Sleepless Nights* Min. 29:55) and estrangement that Elie reveals. Being asked by Eliane Raheb whether he likes the way his father was, he answers quite drastically that he does not know how he was and therefore cannot tell whether he loves him or not. He remarks that contrary to today, his father on the pictures looks happy and relaxed. On the one hand Elie recognizes the generational hierarchy between him and his father, on the other hand, he withdraws his unconditional support here publically.

The second main character in the documentary *Sleepless Nights* is Maryam Saiidi. A mother who lost her 14-year-old son when he accompanied (or joined?) a group of communist fighters and participated in the battle at the Faculty of Sciences against an Israeli squad. Maryam Saiidi is an artist and a painter who has been one of the most vo-

cal activists for the disappeared in Lebanon.<sup>31</sup> She has participated in continuous protests in front of the Lebanese parliament. In the film she is ready to meet numerous people including Assaad Shaftari as she hopes to gain more knowledge of her son's fate. The documentary experiment by Eliane Raheb is presented to her as an opportunity to extract more of Shaftari's arcane knowledge and therefore she consents into participating.

Extract or unearth seem to me the right terms: Both main protagonists are *digging into themselves* and will not let go of the past, although their closer family seems to tell them so. Maryam Saiidi goes to the end of her capabilities to encounter and talk to Assaad Shaftari. At the same time she refuses to talk about any other past than connected to her son in the film, e.g. by refusing to mention the village she came from. She counters Eliane Raheb's intruding, almost impertinent questions, saying: »Ask me about the present - only the present.« (Min. 8:19) In contrast to Shaftari - and for understandable reasons - she rejects the wish of the filmmaker to interview her daughter or other family members, though a recorded interview with her daughter is played back at a meeting between Raheb and Maryam Saiidi. Maryam Saiidi's marriage broke up over the suffering about the missing son. Whereas Assaad Shaftari's wife seems to go through a process of emancipation in the course of the film, and at some point her life story takes over, she clearly remains the understanding backbone for her husband. Again, the contrast between the good lives of the perpetrators and the wretched life of the victims in Lebanon becomes obvious.

### Putting perpetrators' voices to work

Perpetrators' memories constitute an intrinsic part of accessing the past.<sup>32</sup> They play an important transformative role for political and social change; one that victims might not want to rely on. Still the perpetrator's voice forms an important basis for the validation of the victim's claims. As displeased and uncomfortable we might feel towards working with perpetrators, their voice is necessary in order to clarify the responsibilities of the crime.

Often perpetrators are able to incorporate new values and adjust their speech to the prevailing discourse, but in other instances, »they cannot escape the language that they learned to recount

<sup>31</sup> See also the film *Malaki - Scent of an Angel* by Kahlil Dreifus Zaarour. Lebanon 2011.

<sup>32</sup> For example, the Lebanese Forces' cooperation with Israel and their training even in Israel belong to the taboos, which Maronite militia men only very hesitantly admit today. At the same time, they always confirm the highly sensitive issue implicitly. In the Film *Sleepless Nights* Eliane Raheb asks (Min. 63:37) a former fighter: »Were you trained in Israel? Answer: We had training sessions... in various countries. Q: In Israel? A: In various countries.« The militia man continues to grin into the camera.



particular events», as Leigh A. Payne points out.<sup>33</sup> She calls such texts »remorseful texts«. Payne, who has been working on the political uses of public pleas by perpetrators over the last 10 years, examines if and how they contribute to »truth, acknowledgment, and accountability« (2004: 4). In what she calls »emotional shallowness« she points out that perpetrators very often miss the right (body)-language and the »right emotional register« to express guilt and remorse to get at the victims. At the same time Payne claims that such acknowledgements by perpetrators »make it nearly impossible for regime supporters to claim that the violence did not occur.« (2004: 1) In both my cases of Boukhari and Shaftari such an effect did not occur. On the contrary, both perpetrators were faced with a smear campaign by state institutions with government representatives as well as former companions depicting them as naïve, weak and notorious liars, as mentioned before.

In the end, both perpetrators presented here only partly disclose their knowledge as becomes clear in interviews they give over the years. In the film by Eliane Raheb, Shaftari stresses that he will not reveal knowledge, which incriminates other parties: »Some secrets are not only mine. Assaad Shaftari's personal secrets. They are party secrets and information belonging to the Christians.« (Min. 37:00) Likewise Boukhari states that he cannot reveal his full knowledge and that he left out the names of those who acted against themselves.<sup>34</sup>

Through the involvement and acknowledgments of perpetrators, the victims hope for clarification of their plight. The Lebanese UMAM D&R and the Moroccan AMDH lobby around such cases. They also might defend the former perpetrators after harassment by the state or former peers because their avowals are important strategic assets to their cause against impunity and continued violence.<sup>35</sup> Human rights NGOs use the testimonies of perpetrators in the struggle over meaning, against other, hidden perpetrators often still in office, in order to serve the accounts of the victims. NGOs have been lobbying around Morocco's dark past since the end of the nineties and the ERC of 2004 has managed to widen the social base of acknowledging gross human rights violations and to rehabilitate the victims and their families. The voice of the perpetrator is part of this process of »coming

<sup>33</sup> <http://users.polisci.wisc.edu/polphil/Payne06a.pdf>, p. 20 (download 22 August 2014).

<sup>34</sup> »J'ai effacé les noms de ceux qui agissaient malgré eux, mais les Marocains les reconnaîtront. Je ne cite pas ceux qui n'ont pas eu le choix.« (RFI: [http://www1.rfi.fr/actufr/articles/026/article\\_13600.asp](http://www1.rfi.fr/actufr/articles/026/article_13600.asp), download 15 July 2014).

<sup>35</sup> In an open letter, two well-known human rights lawyers called upon the then Prime Minister Abderrahmane Youssef as well as the interior minister and the minister of justice to guarantee Boukhari's integrity. (See: [http://www1.rfi.fr/actufr/articles/019/article\\_9207.asp](http://www1.rfi.fr/actufr/articles/019/article_9207.asp))

to terms« and »breaking the silence«. It necessarily is also part of a multi-vocal memory negotiated in both countries, Lebanon and Morocco.

They [confessional performances] make profound disagreements over the past audible, visible, physical, and public. They provoke conflict, as audiences clash over interpretations of the past and their meaning for contemporary democratic practice. Deep and irreconcilable schisms emerge in response to perpetrators' confessions, [...]. (Payne, n.d.: 39, 40)

Perpetrators' statements are very often presented as »the first culprit« to break the silence, i.e. everybody is »the first« to draw attention to the unacknowledged violence. This mediatisation adds to the sensational aspect of them »suddenly speaking out«, though in fact it is a very slow run up to perpetrators coming forth, frequently driven by anonymous torturers being interviewed in the media (e.g. for Morocco *TelQuel* 2006 or for Lebanon *An-Nahar* 1998-2005, see Haugbolle 2010: 151-156). In Lebanon, other perpetrators followed the appeal of Shaftari: In 2008 speaking before tens of thousands of his supporters, Samir Geagea publicly apologized for »mistakes« committed by members of the Lebanese forces during the civil war:

I fully apologize for all the mistakes that we committed when we were carrying out our national duties during past Civil War years. I ask God to forgive and so I ask the people whom we hurt in the past. (*The Daily Star*, 22 September 2008)<sup>36</sup>

Another example of a public disclosure of a personal past as a fighter is the book *J'ai déposé les armes* by Regina Sneifer.<sup>37</sup> Sneifer who joined the Lebanese Forces in 1980 at the age of 17 left before the end of the civil war in 1987 for France and published her account in 2006.<sup>38</sup> However, both Geagea and Sneifer did not go as far as to break with their communities, as Assaad Shaftari did.

Payne summarizes the ideal function of perpetrators' admissions as advancing the truth, i.e. more knowledge about past events, and taking over accountability by apologizing. As is commonly assumed in the more recent literature, knowledge should help victims to come to a closure and begin with a process of mourning. Mostly the state is strong enough to denigrate perpetrators' voices as lunatic and sadistic. Still, a discussion about

<sup>36</sup> <http://www.dailystar.com.lb/News/Lebanon-News/2008/Sep-22/50570-geagea-apologizes-for-lfs-wartime-mistakes.ashx> (download 4 December 2014).

<sup>37</sup> I thank Lokman Slim from UMAM D&R for pointing her testimony out to me.

<sup>38</sup> In the future, I would like to examine whether one can talk of a »confessional chain«?



perpetrators and impunity is set in motion. Without going into detail here, there is a recent »No to impunity-movement« in Morocco, and even among those that criticized the ERC as useless, a discussion – including naming perpetrators – has started in cultural production and social media.

#### *Social memory and social reconciliation*

The idea that remembering the past lifts it into a (personal and public) conscious where it can be ›treated‹ and have a pacifying effect – also on a social level – is one that has commonly been shared in recent years, yet not unproblematic. Telling has become an act with a strong normative core. But what exactly does the widely used but highly abstract phrase »to come to a closure« signify for a society? Is it, as Sune Haugbolle evokes for the case of post-war Lebanon, that reconciliation meant, »agreeing that violence was an anomaly«, an irrational lunacy? What does it mean when »a truth commission is intended to reconcile society with its past« – especially in the light of violence possibly re-emerging at any moment in Lebanon and on-going human rights violations in Morocco? In Morocco, the ERC constitutes such an effort of inclusion through telling. Its recommendations count as the centrepiece of its work. A five-volume final report is a candid document with clear-cut suggestions for the future. In 2014, the CNDH has partly endorsed the recommendations and started to work on implementing them. Memories of the victims and their families are thus practically put to work and form part of a vision for society's cohabitation.

»Societal reconciliation« stands for practices of living together and for taking up different perspectives; i.e. to be aware of one's own multifaceted past behaviour and other voices. The phrase stands for negotiating over a narrative that can be accepted by a majority of actors involved. It certainly also means that the mechanisms of power and abuse are expounded jointly, and the course of murderous frenzy is seeing the light of the day. The sharing of the knowledge about these events is a central aspect and the public sphere constitutes its categorical forum.

The Lebanese state's attempt to erase, rather than promote, memory, recognizing neither perpetrators nor victims, has prevented any starting point for a joint reading of the devastating political violence. It only brought about what Sune Haugbolle calls »sectarian memory cultures.« (p. 161 ff.) Though a linear cause and effect discussion also carries no further clarification, the legitimacy of multiple, contradicting voices is what motivates those ›memory-entrepreneurs‹ that thrive to preserve memory rather than subduing it.

The Amnesty Law provided protection for perpetrators from judicial proceedings, paradoxically enabling them to give public accounts of their in-

volvement in past violent actions without fear of legal action. But reconciliation cannot be obtained without accountability; some say not even without punishment:

[...] men are unable to forgive what they cannot punish and that they are unable to punish what has turned out to be unforgivable. This is the true hallmark of those offenses which, since Kant, we call a »radical evil« and about whose nature so little is known, even to us who have been exposed to one of their rare outbursts on the public scene. All we know is that we can neither punish nor forgive such offenses and that they therefore transcend the realm of human affairs and the potentialities of human power, both of which they radically destroy wherever they make their appearance. (Arendt 1998: 241)

Taking over responsibility is a central hope connected to perpetrators coming forward about their own deeds. Both in Lebanon and in Morocco, though from very different points of departure, people ask for the chain of events. What happened? (*Chou sar?*), a documentary by De Gaulle Eid or the school project *We want to know (Badna na'ref)* carry this quest in their title.<sup>39</sup> Or as Mohammed Sebbar expressed in an interview with *La Vie Eco* on the occasion of the tenth anniversary of the FVJ: »Pour tourner la page, il faut chercher les causes réelles qui ont été à l'origine des violations graves des droits de l'homme, dont certaines perdurent encore.«<sup>40</sup>

The increasing possibility to speak out is obviously an expression of changing political circumstances and a varying public culture. As painful as it is, in post-conflict situations it is more useful if perpetrators speak out than not. One key finding is the importance of perpetrator accounts in order to confirm victims' testimonies and the ability to start tracing responsibilities. So-called »confessions« by perpetrators constitute breaches into the institutional silence. Perpetrators' voices are also important to rehabilitate victims in the eyes of unconcerned parts of society (see e.g. Nadia Guessous 2007). When victims reappeared in the 1990ies, their former leftist activism and their suffering as well as the agony of their families seemed to be even more useless for some after the end of the Cold War. This adds to the grief of relatives. As Leila Kilani portrayed in her film *Our Forbidden Places* (2008) not all parents support the political struggle of their children at the time. Though a common trajectory willingly presented in public is the rural or middle class mother suddenly politi-

<sup>39</sup> See ongoing research by Norman Saadi Nikro at ZMO.

<sup>40</sup> <http://www.lavieeco.com/news/societe/forum-verite-et-justice-dix-ans-apres-mamfakkinche--15320.html>, 14 December 2009 (download 24 July 2014).

cized by the injustice towards her child or children and takes up the struggle in their stead. Quite to the contrary, in *Our Forbidden Places* a mother is portrayed who reiterates that her son could have had such a good life after all had he not gone into »misguided student politics«.

A more even distribution of attention to victims and perpetrators seems to be nearly impossible: With Lebanon's turning-the-page policy, the perpetrators are in luxurious positions. In Morocco, no action has either been taken to seriously remove perpetrators from their posts or to reform the security apparatus to prevent continued political violence. Perpetrators here have been hiding away. The comparison of Lebanon and Morocco shows that though the institutional arrangements are strikingly different, they both do not seriously encourage testimony by perpetrators. Legally, in Morocco no amnesty has been granted so that theoretically perpetrators can still be brought to court. But practically nobody has taken this initiative so far and victims as well as lawyers close to them state that this is a fruitless endeavour for the time being. Human Rights Watch regularly doubts the independence of the Moroccan judiciary and reports that »[t]he justice system has consistently deprived defendants in political cases of a fair trial.« (HRW 2005, p. 24)

One aspect should not be left out: Perpetrators oscillate between attempting to constitute a moral subject and coevally to satisfy their own ambition to be recognized. It is the former aspect that human rights NGOs seize to bring forward their case to investigate the past. Both perpetrators presented here reveal that they feel offended and elided by the political elites. Shaftari mentions that he should have become a member of parliament. Since this did not happen he found himself alone at home with an abundance of time to fill. This theme comes up briefly twice in the film *Sleepless Nights*. Likewise Boukhari's style throughout the whole book is marked by a certain audacity: To display pride in this context where modesty and remorse would be indicated, gives the text partially an impertinent character. The author is obviously not able to downplay his delight about his wealth of knowledge.

Their texts are not in the first place for extenuation and romanticization. Disregarding direct restrictions like travel bans or alike, Ahmed Boukhari also places the reputation of his family at risk (his son being an important journalist and editor who had advised him on how to go about the publication)<sup>41</sup>. On the other hand, the fact that they do expose themselves as perpetrators gives them a new form of and forum for attention, praise and thus attraction.

<sup>41</sup> Karim Boukhari established the contact between Aboubakr Jamaï and his father.

## Conclusion

Memories are never crude essentials that we can work with but processed lore, which is complicated even more as they change in accordance to circumstance, timing and addressees. The transformative exigencies of memory are connected to redress, public debate and a projection of a better society into the future. Drawing upon perpetrators' voices adds an important, regularly neglected dimension to understanding the personal-public exchange over a contested past. Dynamics creating an environment for perpetrators to speak out are extremely slow in building up and have in both countries studied here not led to any significant testifying by wrongdoers. The idiosyncratic, eloquent silences as well as the denigration of the speaker are the most common and immediate reactions to their testimonies. Still perpetrators' voices are an important element in strengthening the vindications of victims. They constitute a breach into the false legitimacy of the state.

The performances by Shaftari and Boukhari enacted nearly 15 years ago still exert their effect today: In Morocco, the year 2014 is significant in that for the first time the Ministry of Justice examined 13 files of alleged torturers.<sup>42</sup> In Lebanon, Assaad Shaftari identified places where corpses had been dumped. As a result, activists for the disappeared demanded in 2014 that those burial places be dug up.<sup>43</sup>

In their confessional performances, both perpetrators presented emphasize in contrast to conventional accounts by torturers, that they wished they had come forward at the time or much earlier to have actually helped the victims and their families. The texts thus constitute a different kind of prose than the more common perpetrator justification literature referring back to superior orders, bureaucratic correctness on an individual level, ignorance, presenting oneself as the ultimate victim marked by the scars of their own violence or referring to the threat for their own life by going public. Both perpetrators do also make reference to fear; their own fear when they carry out their inner monologue why they did not speak out earlier. But this fear is not used in order to lessen their brutalities or »humanize« them. *Fear* is not depicted by them as something which rendered their life choices without alternatives. *Fear* is depicted like football: one biographical element among many others, which drove e.g. Boukhari to join the secret service and to do what he did in the end. Boukhari resumes this football-motive quite often in his book to stress the contingency of his itinerary:

<sup>42</sup> *TelQuel* 15 July 2014.

<sup>43</sup> Shaftari refrains from calling them »mass graves«, as corpses were dispersed here and there.

[...] this intelligence officer, passionate about football, incorporated me in the Special Services with the single intention to bring me to Casablanca so that I would become a member of the police football team he had organized there. (Boukhari 2002: 263)

Though Boukhari in the beginning tries to trivialize his constitutive choice to join the secret service with his and his superior's talent in playing football, he is able to later on ask what he had in his hands to change his life path. In contrast to many perpetrators, Boukhari and Shaftari are able to express incomprehension for their own acts. They do not present the audience in retrospect with a ›logic‹ framework within which their action happened driven by an outer motive. Both authors do not use their texts in order to postulate an inherent telos that forbid them to act differently, and that consequentially unburdens them. Their texts do not aim at presenting an inner coherence of a life story that made them perpetrators but they both problematize that their life path was not without alternatives – all too often the easy way out for perpetrators when questioned upon their trajectories or ready to give testimony. Both actors have not come to terms with their own *raison d'être*. Their path to becoming perpetrators is not presented to the audience as a necessary or even inevitable cycle of events. And this is important if we want to make a statement about the intention of the authors.

At the same time, we need to recognize that such descriptions are coming from deeply pathological personalities, which are marked by the violence they exerted, witnessed and very often also experienced. In both cases discussed here, we have encountered culprits struggling with a lack of attention they regard due in respect to their knowledge and past deeds despite the media interest in perpetrators – rather than in victims – that usually dominates coverage. In Morocco, the IER has turned such a prioritization between the interest in the perpetrator (the strong one, the survivor) and the victim (the weak one, the annihilated) around.

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**Sonja Hegasy** studied Arabic at the American University in Cairo and Islamic Studies at the Universities of Witten/Herdecke, Bochum and Columbia University in New York. Since 1998 she is a research fellow at ZMO where she became Vice Director in 2014. In 2012/13 she was part of the research group *Transforming Memories: Cultural Production and Personal/Public Memory in Lebanon and Morocco* at ZMO. (Sonja.hegasy@zmo.de)

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