

The Issue of Compensation for Victims of Terrorism in Moroccan and Comparative Law

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Abstract

The terrorist offense is one of the most serious crimes that requires assistance to those who have suffered harm due to the physical and psychological damage it causes to the victims and their families, which requires the achievement of solidarity society with its moral force, while reinforcing it with legal means and measures that guarantee the rights of the victim and his family in Morocco or elsewhere in accordance with the recommendations of the 2012 Madrid Conference, with the imposition of the responsibility of the State on the basis of risk rather than fault and non-discrimination between victims, whether the victim is a citizen or a foreigner, in the right to compensation in accordance with the recommendations of the Budapest Conference of 1974 for fill in the gaps of incomplete justice.

Keywords: *Compensation, Victims, Terrorism, Law.*

Introduction

In civil law, compensation is defined as a sanction or compensation for the damage caused by the other party, knowing that the damage is the infringement of the rights and interests of the people who have suffered it. Compensation can only be addressed in general if it is accepted as a matter of civil or criminal liability. From this the compensation results the material or moral consequence of the damage caused by the generating event (the fault) so that it is pronounced by a judicial authority and manifests itself by a judgment acquired from the authority of the judged force. In most cases, it is the court responsible for judging the perpetrator of the offense which, if it finds the defendant or the accused guilty, sets the amount of damages awarded to the victim in compensation for his prejudice.

As for criminal law, compensation resembles its equivalent in civil law. However, it is a special procedure that refers to ancillary civil action or complaint with civil action. Be that as it may, the law allows the alleged perpetrator of an offense to agree to repair the damage, in exchange for a closing of the case. Similarly, the criminal judge is authorized, as an additional or main penalty, to compel the convicted person to compensate the victim who has always been considered by international law to be "unaware of the story". In this context, most criminal legislations have not adopted a general definition of the victim, preferring to leave the issue to the doctrine which also differs on the question of giving an exact definition of the latter. Certainly unanimity agrees on the person who suffered the material or moral bodily injury directly.

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While Moroccan case law has given a definition according to multiple judgments of the Court of Cassation which considered that the victim is the one that the events of the offense have caused damage to his person and his property and that he is personally suffered from this disorder.

Regarding the concept of the victim in general, it is an exhaustive term of society as a victim in the public law framework of the criminal phenomenon, and of the individual as a person in private law. And even the perpetrator of the offense can be understood if his fundamental rights are affected or if he receives torture in order to extract a confession. Beyond this, in Europe the Council of the European Union of March 15, 2001 defined the victim as "the natural person who has suffered harm, including an attack on his physical or mental integrity, moral suffering or material loss, directly caused by acts or omissions which infringe the criminal law of a Member State".

Returning to the subject, the terrorist offense is one of the crimes considered of extreme urgency by any State in the world and which presents a great danger and challenges as to the repercussions and the impact left to the victims, natural or legal persons. From this it is linked to public affairs because of their recourse to violence against humanity and society to impose opinions and ideas on several religious and political issues. It manifests itself firmly in the destabilization of the pillars of the Public order includes fundamental rights and freedoms and the ordinary functioning of public institutions, and therefore it is treated by the law with a sort of clear rigor at the level of the principle of equality of penalties and offences. Similarly at the doctrinal level, Professor Abdelaziz Sarhan has defined terrorism as follows; "attack on public or private souls and property in order to violate the provisions of international law".

Certainly, if since 1937, the international community has been looking for a political definition of terrorism, a definition that the Secretary General of the UN still calls for almost 100 years later. As well, many more international treaties - do not manage to give a definition of the concept of terrorism - such as those of the European Union relating to the prohibition of terrorism in 2005 and the Member States to the Convention of the Cooperation Council of Gulf countries with regard to the fight against terrorism in 2004.

As a result, the Moroccan legislator remains silent on the question of the definition of this offence, whereas it has only provided for terrorist acts in its articles 218-bis of the penal code modified and supplemented by law 03-03 relating to the fight against terrorism, on the contrary its French counterpart has adopted a simple definition (The penal code defines the terrorist act as an act relating to "an individual or collective undertaking whose purpose is to seriously disturb public order by intimidation or terror "). On the other hand, the Egyptian legislator has emphasized the definition of this offense according to the penal code "the terrorist act is considered as any use of force, violence or threat with the aim of disturbing public order, thus the 'exposure of the integrity, interest and safety of society to endangerment..."

However, linking these two previous keyword concepts relating to our subject, the victim of the terrorist offense is the person who has suffered such or such damage directly or indirectly from any terrorist act and who has caused bodily, moral or material damage. towards his health, heritage or property.

Compensation for victims of terrorist acts in general should be the main concern of States and their institutions, which must do their utmost to prevent the occurrence of a terrorist crime by providing the means necessary for social stability and, when the offense occurs, providing the appropriate framework for a fair trial that takes into account, in addition to the rights of the author, the rights of victims. It is therefore reasonable to think that these victims may have to turn to the State to invoke its responsibility to protect society, in order to obtain reparation after the commission of the terrorist crimes of which they are victims.

The right of victims of terrorism to reparation with regard to the responsibility of the State with regard to the protection of society, raises the question that the criminal law which only deals with criminal sanctions against individuals is in the very obligation of compensation for the damage caused by a terrorist offense for the benefit of the victims. It is noted that compensation for damages by the State is a process that falls under the civil liability of the latter. It follows that the criminal responsibility of the author does not exclude the responsibility of the State. Indeed, the commission of crimes under international law, including terrorism, entails the criminal responsibility of the individual who commits the crime, and also even of the State where the offense was committed. In this regard, "Jeremy Bentham", the great British philosopher and juriconsult, had said that: "The State should take the initiative to compensate the victims who have suffered the damage and who have been injured in their property and their lives, without forgetting even the obligation of the society which left him the protection and preservation of the victims, must take the initiative to repair this damage and seeks to compensate the victims as a natural consequence of his inability to protect them from the dangers of crime. . In the same context, the great criminological jurist of the Italian school, "Enrico Ferri" predicted that: "The State has a duty to ensure the rights of victims by offering them immediate compensation when they suffer damage from such and such an offence".

Whatever the case in Morocco or elsewhere, the study of this theme obliges us to pose a rather important problem; From this, can we consider that the State is civilly responsible for terrorist offenses, while it is under an obligation to compensate the victims? What efforts are made by the Moroccan State and other comparative legislation to fill this legal void?

To answer these questions and even define the subject according to this short introduction, we deduce the following plan:

Part 1: adoption of the idea of compensating victims of terrorist offences,

Part 2: compensation for victims of terrorism in Moroccan and comparative law.

Part 1: Adoption of the idea of compensating victims of terrorist offences.

The commission of crimes under international law may reflect a failure of the State and therefore a breach of its obligation to protect and this is the same case for terrorist offences. The responsibility to protect means above all prevention at the level of the immediate causes of crimes. In this context, when the State is unable or unwilling to prevent these crimes or to punish the perpetrators, do the victims have the right to seek reparation from the state on the basis of the responsibility to protect?

To this end, the idea of compensating victims of terrorist offenses is based basically on a historical, doctrinal, social and international approach manifested in colloquia, conferences and conventions.

Section 1: The history of compensation for victims of terrorism.

It is not impossible to find outlines of compensation schemes for victims of crime in the penal laws and customs of primitive peoples. They existed since antiquity, claims to respond to criminals in those distant times which is a collective responsibility. The essential form of social life among the first humans being the clan or family tribe, the individual did nothing by himself, an offense committed by a member of a tribe affects any element of the clan. The reaction, which takes the form of personal or private revenge (blood revenge) is brutal, unbridled (unlimited), collective and hereditary, their first objective is to exterminate the offenders, their families and their tribes.

Moreover, the idea of compensation for victims of terrorism by the State, is not a current or new idea, It is known since the ancient civilizations of Mesopotamia and more precisely since antiquity we find " the Hammurabi law" in its article 23 which provides;

that judges are obliged to compensate the victims of theft in cases where it is difficult to find the author of the offense or is not absolutely known, and also the same as article 24 also obliges the judge to pay the heirs of the victim of a murder a certain sum of money when the author is not known.

Islamic doctrine has also known and approved this idea, since it organized the rights of victims of blood offense, regardless of whether the perpetrator acted voluntarily the criminal act (intentional act) or result of an act not intentional (erroneously/unintentionally) And decided for them the right to "blood money (ADDIA)" compensation which is levied from the offender or his family, or supported by the Muslim treasury in case the offender is unknown or insolvent, or if his family is unable to pay the blood money; From this, the Shariâa adopted the principle of social solidarity which represents the obligation of the State to compensate the victim of an offense when it is impossible to obtain compensation by one means or another.

However, the very idea was discussed and dealt with by the United Nations Security Council which had understood in its resolution 1566 of October 8, 2004 (He had decided to form a working group composed of all the members of the Council).

Section 2: The doctrinal approach to compensating victims of terrorism.

The state is held legally liable to the victims of crimes and then obliged to compensate them for the harm they suffer, based on its failure to fulfill its duty to maintain security and protect the citizens and residents of his territory. The role of compensation here can in no way compensate for the damage resulting from the infringement, it is limited only to mitigating the effects and the gravity of the latter, as the jurists have argued and called directly for the need for a role for the state in compensating victims of crime from public funds.

In the 19th century, the traditional school represented by the great English jurist and philosopher "Jeremy Bentham" was the first to claim the need to establish a system for determining the responsibility of the State in the compensation of victims of after the Public Treasury when the defendant is found in a state of insolvency, They justified this by the fact that the State could not leave the victims who were injured by the offense although it was in their property or their life to face serious harm alone, On the contrary, the society which has the duty to protect and preserve them must initiate the reparation of this harm, and seeks to compensate them as a natural consequence of its inability to protect them from the dangers of infringement. Bentham and the positivist school believed that most of the systems listed had serious shortcomings, therefore the creation of an independent body was proposed, to be funded by fines, confiscations and the sale of sequestered property. This body, responsible for distributing allowances to victims of crimes or their families, would be known as the Compensation and Fines Fund.

This was even addressed by the jurist and criminologist of the Italian school "Enrico Ferri" in his work "Criminal Sociology", in which he focused on the State's obligation to ensure the rights of victims by committing to pay them immediate compensation in the event of the commission of crimes, as well, the Italian criminologist and magistrate "Rafael Garofalo" who called for the need to create a compensation fund from which the compensation due is paid to the victims of the crimes, in case they cannot obtain compensation from the perpetrator of the offence.

Section 3: Compensation In terms of international conferences and conventions.

There have been many successive regional and international conferences that have addressed and reaffirmed state commitments including the obligation to compensate victims of crime, and it all started with the International Conference on Prisons in 1890 in Paris. In this regard, we mention what was mentioned in the report of the Belgian jurist and criminal lawyer "Adolphe Prins" presented at the conference, in which he declared: "It is time for the State to pay attention to the victim and take account of his situation and

his conditions and circumstances, just like the offender who receives all the care and attention of the State which feeds him and provides him with housing and rights relating to health, education, training and welfare. be... while leaving the victim to suffer alone as a result of the crime at a time when he himself indirectly contributes to rehabilitating the criminal who has caused him damage, through the taxes he pays to the State”.

. Then, other international conferences which have tackled this subject, we mention for example the Los Angeles conference in California in 1968 which concluded its work with the recommendation that the victims must be compensated by the State, and this compensation must be seen as a victim's right and no longer a gift, and then the second international conference on victim compensation held in Baltimore, United States, and finally the third conference on compensation for victims which was organized in Ontario in 1972 in Canada.

As for the Ministerial Committee of the Council of Europe in 1977, it recommended that the governments of the member states of the Council take into account, in cases where it is not possible for the victims to obtain reparation, to compensate those who have suffered serious bodily harm as a result of an offence, as well as those who depend for their livelihood on those killed as a result of the crime.

Part 2: Compensation for victims of terrorism in Moroccan and comparative law.

Faced with the increase in terrorist acts, it has become necessary to establish a system of compensation for victims of terrorism, to which many countries have reacted, especially since the United Nations Counter-Terrorism Strategy urged in paragraph 8 to "consider establishing, on a voluntary basis, national systems of assistance that meet the needs of victims of terrorism and their families and facilitate the return to their normal lives, and in this regard we encourage States to request the relevant United Nations entities to assist them in setting up such national systems, and we will also strive to promote international solidarity in favor of victims, and to encourage the participation of civil society in a global campaign to combat and condemn terrorism and can This includes exploring in the General Assembly the possibility of establishing practical mechanisms to provide assistance to victims”. Also in the fourth section of the same paragraph, it stated: "...we affirm the need to promote and protect the rights of victims of terrorism".

Of this, we will treat in this part; comparative approaches and experiences (Section 1), and then the compensation of victims of terrorism under Moroccan law (Section 2).

Section 1: Compensation for victims of terrorism in comparative law.

The legislator in many countries has enacted special laws requiring compensation for victims of terrorism in the face of the inability of the provisions of general texts and has endeavored to innovate the method of special funds, especially since a group of conferences which followed the conference of "Los Angeles" in California in 1968 confirmed that it was about a compensation for the victims and not a scholarship.

Compensation for victims of terrorism in Western countries.

Spain, Italy and France as a type of example.

In Italy.

Between the years 1969 and 1975, Italy lived through multiple terrorist events in which many lives were lost, forcing the Italian legislator to enact Law No. 466 of August 13, 1980, in which special donations were available for the benefit of a group of public officials and citizens affected by terrorist acts, while specifying the rates of compensation Without distinction of nationality of those affected. And again, the promulgation of Law No. 720 of December 4, 1981, which widened the scope of this magnitude to include those affected in other activities.

The Italian legislator developed these legislative provisions in consideration of the changes in the type of danger and the terrorist offense in the 1990s, and adopted several legislations defining special forms to protect and support the victims of terrorism and organized crime, such as Law No. 302 of October 20, 1990 and Law No. 407 which includes new provisions for the benefit of victims of terrorism and organized crime promulgated on November 23, 1998, and then Law No. 2464 of August 1, 2003 to assist, support and protect the victims of the crime, which approved in its first article the compensation of victims of criminal acts committed on Italian territory, whether these victims are Italian citizens or foreigners. Article 3 of this law provides that the State, the regions and independent territorial communities encourage, organize and provide rapid and free assistance to victims of any offense according to its nature, by providing psychological, medical, legal and financial support. This law, in its article 6, created a support fund for victims of criminal acts placed under the supervision of the Ministry of Justice. It is financed by a fixed contribution by the State and transfers received through the application of fees on legal actions, and the resources collected as a result of the imposition of fines in order to optimally implement the provisions of the law. It also provides for the creation of an assistance and support committee for victims of terrorism under the chairmanship of the Minister of Justice and composed of a representative of the Ministry of the Interior, Health and Finance, a lawyer, a psychiatrist and a specialist in victimology, in addition to two professors, one specialized in criminal law and the other in procedural law. The text consecrated that December 12 be considered a day of remembrance in order to ensure the protection of the memory of the victims and the deadly events which constituted a great societal alert.

In Spain.

Legislation in the field of support for victims of terrorism in Spain began with the promulgation of Law No. 9 of 26 December 1984 on the fight against terrorism, which included, in addition to criminal provisions, rules guaranteeing compensation victims of terrorist acts, by establishing the responsibility of the State for terrorist acts, whether direct or within the framework of protection in general, and then this law was updated by Law No. 29 /2011 on the recognition and comprehensive protection of victims of terrorism. The purpose of this law, according to its first article, is to recognize the victims of terrorism and to establish a framework of compensation, privileges and guarantees, so that these measures include the victims of terrorist crimes and their families, or persons who have suffered damage resulting from terrorist acts. The Spanish model was not limited to the only legislative solution, but a General Directorate of Support for Victims of Terrorism was created within the Ministry of the Interior, responsible for providing immediate assistance to those affected after the commission of a terrorist attack by informing and supporting the victims and their families, and to cooperate with the associations and institutions which seek to support the victims of terrorism and to preserve their memory and the signature of partnerships with associations and institutions which aim to represent and defend the interests of victims of terrorism, as well as to cooperate with the competent bodies of the General State Administration and other public authorities in providing assistance and support to victims of terrorism, in order to provide them with full protection and to work on the drafting of studies and reports, and where appropriate, proposals for regulatory reforms which would improve the system of assistance and benefits put in place or which could be put in place to improve the rights of persons affected by terrorism, and this cooperation will be extended to include the various offices which receive the attention of victims of terrorist offenses before the courts and the public prosecutor's office.

In order for the victims of terrorism to benefit from their rights laid down in the legislative prescriptions, this directorate grants a set of certificates, such as exemption from tuition fees, court fees, examination fees, assistance with geographical mobility, granting of scholarships and assistance in accessing housing.

In France.

The legislative regime of State liability for damage caused by acts of terrorism raises the question of the basis for such compensation. The cases of these victims do not fall under traditional administrative responsibility. Special regimes enacted by the legislator govern their remuneration. The link between harmful and compensatory behaviors has not been established and does not need to be. This is not new, but an exception that demonstrates the existence of a system of public liability legislation.³

The old French law established a rule which imposes "the obligation of the individual to compensate others for the damage caused by his own fault is in conformity with the rules of ethics which impose not to harm others". Compensation is no longer an instinctive consequence of the victim's emotions or an expression of the right to revenge.

Faced with terrorist offences, the French legislator has not limited itself to aggravating penalties and trial procedures or other measures, but has also set out rules for the protection of victims of terrorist offences, which deal with and fill the gap in the rules general civil liability. It has therefore created a guarantee fund which draws its resources from royalties and is added to insurance contracts, while its legal basis derives from the principles of guarantee or solidarity. However, this fund only guarantees compensation for bodily injury resulting from terrorist offences, without other purely financial damages, and replaces the injured person vis-à-vis the person responsible if the latter is recognized .

The French law on compensation, which was approved by the legislator in 1986, is distinguished by its collection of scattered and applied rules on the matter, as well as by its evolution compared to the previous legalization, and then this law contains texts which guarantee real protection for victims of acts of terrorism, in particular by determining their right to obtain reparation. The new law developed the system of compensation for material damage by devoting many procedural conditions for the opening of the right to this compensation compared to what it was before, because the question of compensation for terrorist crimes was ignored in insurance documents, in addition to the fact that most insurance companies did not accept the burden of the consequences of terrorist offenses, thus, the aforementioned law insisted on imposing in its article 9 which obliges all insurance companies insurance to generalize compensation without limiting it to a specific category of victims, which has made it possible to obtain a very significant benefit for these victims by extending the monetary coverage that could help them.

It should be noted that this law provided for the implementation of the provisions for compensation for terrorist offenses with retroactive effect, from 31 January 1984, with the aim of ensuring compensation for damages resulting from terrorist acts that occurred during the years 1985 and 1986, and there are many of them, which pushed the French legislator to take this perspective into account for the benefit of the victims.

It should be noted that the compensation provisions provided for by the fund law only apply to victims of crimes of terrorism, which are the offenses mentioned by the French legislator exclusively in the penal code, because they are linked to a individual or collective project aimed at the serious disturbance of public order, with the aim of sowing terror or intimidation, therefore, this compensation does not include offenses for which are not provided for in the criminal code, nor crimes of violence if not committed for the purpose of inciting terror and intimidation or any offense that does not have the special intent characteristic of terrorist acts.

Compensation for victims of terrorism in Arab countries.

Algeria, Kuwait, Saudi Arabia and Egypt as types of examples.

In Algeria.

The Algerian case remains one of the most striking experiences that have dealt with terrorism, especially since the country went through a dark decade in the 1990s after the suspension of the electoral process in 1991, which did a lot of damage, it was therefore decided to enter into a series of reforms to deal with the phenomenon, the most important of which is the compensation of victims, which took concrete form in the introduction of a series of texts guaranteeing the rights of victims of terrorist acts, particularly since the adoption of the law on civil harmony.

Let us mention Executive Decree No. 94-91 of April 10, 1994 determining the terms of compensation for victims of acts of terrorism, its conditions and the operation of the Compensation Fund, as well as Executive Decree No. 99-47 of 13 February 1999 relating to the granting of compensation for the benefit of natural persons who are victims of bodily injury or material damage suffered as a result of terrorist acts or incidents occurring within the framework of the fight against terrorism, as well as for the benefit rights holders. This decree was not unaware of the status of the beneficiaries of civil servants and public agents who were victims of terrorism, and approved for them the promotion and maintenance of salary benefits until retirement age (article 17). In addition, the decree approved the right to compensation for material damage. According to (article 90), natural persons whose property has suffered material damage as a result of a terrorist act or an accident occurring in the context of the fight against terrorism, will benefit from the compensation provided by the Fund compensation for victims of terrorism, since the property covered by the compensation includes residential houses, clothing, cars, furniture and household equipment. On the contrary, jewelry, banknotes and works of art are no longer compensated (Article 91).

Executive Decree No. 99-48 of February 13, 1999 relates in particular to the creation, organization and operation of orphanages for victims of terrorism. According to this decree, this establishment takes care of the reception of orphaned children who have lost both parents or one of the parents, and the other parent has lost parental authority, or disseminates his inability to take care of his child (article 5), and he is responsible for caring for them, raising them, ensuring their education and their civil orientation (article 4).

There is also Presidential Decree No. 06-93 of February 28, 2006 relating to the compensation of victims, which is considered to be entitled to each of the spouses, children of the deceased aged under 19 or 21 at most, if they are pursuing studies, or if they are pursuing training, as well as the sons who are sponsored according to the legislation in force and according to the same conditions as for the children of the deceased, the sons, whatever their age, who find, because of a disability or a chronic illness, in a situation of permanent impossibility to exercise a remunerated activity, girls without income, whatever their age, who were actually sponsored by the deceased (article 9), the holders of the rights of victim of national disaster as mentioned by the decree benefit, it depends on their situation, from compensation according to one of the following forms, either a service pension, a monthly pension, total capital, or a single capital (article 6).

In Kuwait.

The Kuwait Penal Code, in its article 111, provides that any person who has suffered damage as a result of a specific offense may file a claim for compensation, whether before the civil or criminal courts, in consideration that the perpetrator the terrorist act may remain unknown, which requires the inclusion of the State as a principal party to the fact in accordance with the provisions of Article 256 of the Kuwaiti Civil Code, which requires the State to bear the costs of compensation damage caused to a person, in accordance with the provisions of Shariah embodied in the first paragraph of the provisions of the same article, which provides that: "If there has been damage which

requires blood money in accordance with the provisions of Shariah and to what is included in the scale of the price of blood laid down in article 251 of law n° 73 of October 17, 1978, and that it was not possible to know who was responsible for compensating the damage in accordance with the provisions of liability for acts which are unlawful or for which it is obliged to guarantee, the State must guarantee”.

In Saudi Arabia.

The Saudi case, derived from the general rules of Islamic law (the Shariâa), dealt with the question of the victims of terrorism through general provisions, the most important of which is the Constitution of the Kingdom, which provides in article 11: "The society Saudi Arabia will be based on the principle of adherence to the commandment of God, on mutual cooperation in good deeds and piety and mutual support and inseparability" and then article 27, which provides that "the State guarantees the right of the citizen and his family in the event of a state of emergency...”.

If the Kingdom of Saudi Arabia had intervened ex officio to allow the compensation of victims of terrorism, then the American law JASTA (Justice Against Sponsors of Terrorism) changed the scales of treatment of the question, because although it does not explicitly refer to Saudi Arabia, it primarily allows families of victims of the September 11 attacks to bring claims against Saudi Arabia as a country that has supported, directly or indirectly, internationally designated terrorist groups that have perpetrated the attacks of September 11, which appears from several previous attempts, but the American justice rejected them under the pretext of foreign immunity. And because the United States of America did not include Saudi Arabia in the category of terrorist states or sponsors of terrorism, and after the approval of the law[21], 850 families of victims of the attacks of 11 September and 1,500 injured filed a collective complaint against the government of the Kingdom of Saudi Arabia in March 2017 for providing material and financial support to the organization "Al-Qaeda" for years to launch a terrorist attack in America.

In Egypt

Due to the multiplicity of terrorist incidents in Egypt, especially following the political changes that the country experienced at the time of the regional movement, a fund was created to honor the victims, the missing and the injured of the terrorist war operations and security, including officers or members of the armed forces, police and civilians and their families who enjoy Egyptian citizenship, provided that its effect is applicable retroactively since January 18, 2014, the date of entry into force of the Constitution Egyptian Republic, which was confirmed in Article 237 paragraph 2: "The law shall regulate the provisions and procedures for the fight against terrorism and the equitable compensation of damage resulting therefrom and due to it".

The law establishing the fund provides that the board of directors of the fund, after approval by the Council of Ministers, issues a decision specifying the amount of compensation to be paid in one lump sum to the person suffering from total incapacity or or to the family of the deceased or of the missing person, and if the damage resulted in partial or total disability, or death, the fund must pay the injured party or the family of the deceased the amount of compensation due, or supplement the amount of compensation that has been disbursed.

Aspects of taking over this fund, also included permission to use all state-owned means of transport free of charge, participation in youth sports centers for those who are not subscribed to any of them them, as well as free admission to all state museums, parks and gardens, as well as theaters and cultural palaces, as well as providing opportunities for "Hajj" to the injured and to relatives, widows or wives of dead or missing, and to exempt taxes for a period of ten years. The law also established a two-tier medal called "Long Live Egypt", which is awarded to officers and members of the armed forces, police

and civilians who have performed acts of sacrifice in the face of terrorist or security. The fund is financed by the imposition of a tax by affixing a stamp of five Egyptian pounds on papers, documents related to arms licenses, driving licenses, driving vehicles, issuance of a certificate of criminal records, tickets for sports matches, concerts, applications for registration in the army and police, colleges and institutes, as well as residence visas for foreigners, work permits for Egyptians working for foreign agencies, whether inside or outside Egypt.

The fund law imposes a term of imprisonment of not less than one month and not more than one year, and a fine of not less than five thousand Egyptian pounds and not more than twenty thousand pounds, or one of these two penalties, anyone who voluntarily, without legal justification, refrains from granting the injured or the families of the victims of terrorist and security operations the rights provided for by law.

Section 2: Compensation for victims of terrorism in Moroccan law.

The Moroccan legislator, who was to deal with the issue of compensation in Law No. 03/03 relating to the fight against terrorism, did not do what we expected. On the contrary, the provisions of this law are come without the possibility of compensating the victims of terrorist offences, limiting themselves to identifying the terrorist acts and increasing the penalties, and promulgating extraordinary procedures relating to the preliminary investigation and the preparatory investigation, leaving the question of the compensation to the general rules of civil liability in the context of civil proceedings, the provisions of which are regulated by the code of criminal procedure, in particular in articles 2 and 7 to 14 thereof. As a result, the terrorist act constitutes a crime which carries the right to invoke public action to apply the penalties, and the right to sue to claim compensation for the damage caused by this crime.

As terrorism being part of the social risks, the State, within the framework of its interventionist approach, is responsible for compensating those affected, referring to the social contract system linked to national solidarity, and then the notion assured state, and the idea of justice and equality before public charges (article 40 of the Constitution).

Compensation for victims of terrorism in the insurance code.

It is well known that terrorism risk tops the list of exceptions in all insurance contracts, whether related to people or property, but after terrorism has become a daily risk, recurring over time and in space, even a threat organized and financed locally, regionally and internationally, it demanded from insurance companies, its organizations and all the players concerned that they reconsider these dangers and take new measures.

If the Egyptian legislator committed to the conclusion of contracts of insurance against the risks resulting from terrorist offences, then it widened the scope of this to include the army and the anti-terrorist intervention group, see the provisions of Law No. 94 promulgated in 2015 on the fight against terrorism, which provides in article 54 that "the State is required to conclude with insurance companies an all-risk insurance policy, obligatorily to cover all risks arising from terrorist offenses affecting any member of the armed forces or police forces responsible for combating terrorism in the event that they face such crimes, including cases of death or incapacitation, provided that the document includes the company's commitment to pay temporary compensation to those affected as soon as the risk arises, and that this compensation be deducted from the amount of the insurance". This is what the French legislator had enshrined in Chapter VI, entitled "Insurance against acts of terrorism" of Book 1 of the Insurance Code, and distinguishing between bodily injury, on the basis of Article 126-1, since all the victims, regardless of their nationality, benefit from the insurance scheme if the event takes place on French territory and the French benefit from this scheme if the event occurred outside of French territory, and then the families of the victims benefit from it in accordance with the provisions of Articles 422-1 and 422-3. The French legislator, with the aim of protecting

individuals, has also decided to reduce compensation in the event of the victim's liability. As for material damage, it includes fire and damage to cars and real estate based on a terrorist act on French national territory. In accordance with the requirements and requests for the protection of victims of terrorism, France has created the guarantee fund for victims of acts of terrorism and other offences, which has approved the system of full compensation.

With reference to the Moroccan case, which has worked to engage in the international trend to approve a total compensation system for victims of terrorism through the portal of the Insurance Code according to Law 110.14, which has considered in its article 3 the terrorist act as an act of violence against a person which requires reparation if it occurred on the soil of the Kingdom, and entrusted the monitoring commission with the administrative task of the coverage system (Article 9), and the creation of the Solidarity Fund against catastrophic disasters (Article 15) aimed at compensating the victims of disasters and granting loans For the subscription of insurance and reinsurance, with the development of statistical data and financial costs related to the consequences of claims.

Compensation by mutual agreement and judicial intervention.

The events of May 16, 2003 revealed the insufficiency of the legislative provisions as regards reparation for the damage suffered by the victims of the event and the subsequent incidents, especially since there is no link between the perpetrator and the victim. Noting that the provisions of Law 03.03 came without providing for the possibility of compensating victims of terrorist offences, limiting themselves to limiting terrorist acts and increasing their penalties, and enacting in the code of criminal procedure exceptional measures of preliminary investigation and preparatory investigation, leaving the question of compensation to the general rules, contrary to the Mauritanian law relating to the fight against terrorism which provides in its article 12 that: "The financial or in-kind fines imposed on responsible for terrorist acts shall be allocated to a compensation fund for the benefit of victims of acts of terrorism and other offences, and the regime of this fund and the methods of its operation shall be specified by decree". From this, it was necessary to intervene by mutual consent and wait for the case law on the matter.

Compensation by mutual consent.

The royal initiative of King Mohammed VI constituted a form of consensual compensation, by issuing a Dahir allocating financial donations for the benefit of the beneficiaries of the victims of the terrorist attacks which perpetrated in the city of Casablanca, by allocating an estimated financial endowment 500,000 dirhams for each victim. It is distributed in accordance with the provisions of articles 11, 12 and 13 of Dahir n° 1.84.177 of October 2, 1984 relating to the compensation of injured persons in accidents caused by land vehicles. This donation is not considered as full compensation, but rather as aid provided by the State, following the example of a set of events which saw the royal intervention within the framework of the royal sympathy in its quality of Prince of the Believers. However, allowing families to obtain these scholarships does not exclude the possibility of taking legal action.

Judicial intervention in the context of compensation for victims of terrorism.

The terrorist act is an offense which entails the right of victims and rights holders to bring a public action to establish the penalty and a civil action to seek compensation for the damage (article 2 of the Moroccan criminal procedure code), with the possibility that associations recognized as being of public utility can institute civil proceedings (article 7 of the code of criminal procedure) against the perpetrators.

Consider the creation of mechanisms to guarantee the rights of victims of terrorist crime, making State responsibility a reality with the obligation of compensation. This manifested itself with the decisions relating to the terrorist operation "Atlas Asni" since a judgment was rendered by the administrative court of Rabat on November 19, 2001 under

n° 911, file n° 99/1052, by which the plaintiff (the husband of the victim), presented himself in his name and in the name of his children in the terrorist incident which took place in the hotel "Atlas Asni" in Marrakech on August 24, 1994, in a lawsuit requesting a judgment against the responsibility of the Moroccan State for the damage they suffered as a result of the terrorist act, basing its claim on the provisions of article 79 of the code of obligations and contracts, and thus a judgment of compensation. And from the documents in Criminal Case No. 94/533 dated January 27, 1995, it appears that the terrorist acts resulted from the failure of the State and its competent interests to control the borders, which resulted in the leakage of weapons into the homeland, which constitutes an administrative error which manifested itself in the fact that the establishments did not render the service which was requested of them, in particular the protection of public order with its implications, including security, because its negligence allowed the perpetrators to introduce weapons through two cars on Moroccan soil and attempt to destabilize it, considering the negligence as serious misconduct and specifying the compensation of those affected. This judgment was appealed by the judicial agent of the Kingdom before the Supreme Council (court of cassation), which rendered its decision n° 935 on December 14, 2005, administrative file n° 461/2002/02/04, in which it ruled that the State is absolutely asked for the guarantee and the safety of any victim on its territory, except that if a serious fault is proven against it, considering that the attack against a foreigner is not an exceptional circumstance which requires vigilance, and that the diversion of firearms across the border is not sufficient to give the character of serious misconduct, but the rules of justice, equity and the obligations of humanity based on national solidarity require that compensation be paid to all those affected whenever a serious breach of public security occurs. This was confirmed by the Administrative Court of Casablanca, following the events in Casablanca of April 10, 2007, when it returned on December 4, 2008 file 2007/1370, where the applicant claimed compensation for the damage he had intentionally intervened to help the police officers pursue the fleeing terrorist, the latter blew himself up, killing a policeman and seriously injuring the applicant. The judgment comes to state that "State liability is based on risks which require all citizens to bear the dangers of state activity, that is, on the basis of equality in front of public charges and costs, and it is represented in the case that cannot necessarily be characterized by the commission of a fault on the part of the administration or the performance of illegal acts in order to be based on this".

Conclusion:

To conclude, and based on all of the foregoing, it can be said that the position of the doctrine and of the system of comparative criminal law with regard to the compensation of victims of terrorist acts tends to enshrine the responsibility of the State for the rights of victims and to give them a similar importance to that enjoyed by the perpetrators of offences, since each of them is a party to the criminal proceedings who must benefit from the greatest possible legal protection.

From this, the victim must be socially protected from the lethal effects of the terrorist act, whether these effects are economic, social or otherwise. Noting that, no country will be able to put an end to these effects if it does not adopt in its legal system the question of compensation for the victims of terrorist acts, by instituting special funds created for this purpose, and knows a multiplicity sources of financing which is not limited just to fines and confiscated objects, but many institutions participate in its financing, and Why not create an Arab or international fund for the compensation of victims of terrorism, of which various countries of the world participate in the funding for it.

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