



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Consideration of reports submitted by States parties under article 19 of the Convention

#### Information received from the Government of Morocco in response to the concluding observations of the Committee against Torture (CAT/C/MAR/CO/4<sup>\*</sup>)<sup>\*\*</sup>

[3 April 2012]

1. The Kingdom of Morocco has noted the concluding observations of the Committee against Torture and welcomes the opportunity to continue its dialogue with the Committee by submitting the following clarifications and comments, in accordance with current practice.
2. The concluding observations did not reflect a number of the written and oral replies submitted by the Moroccan delegation during the consideration of the fourth periodic report. Moreover, a number of replies provided by the delegation and commented on by the experts gave the impression that the latter were confident that Moroccan legislation, or its implementation, was in conformity with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention”). This was, however, not taken into account at all in the concluding observations (examples of this include the definition of terrorism and a kidnapper’s marriage with his victim).
3. Several of the concluding observations were not raised by the Committee during its consideration of the report, such as the need to take measures that will ensure respect for international law in regions subject to the country’s jurisdiction.
4. Some allegations, such as those relating to the existence of secret places of detention in the southern provinces, are totally baseless and, moreover, have never been communicated to the Moroccan authorities by any party or source, including

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\* Adopted by the Committee at its forty-seventh session (31 October-25 November 2011).

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited. In the English translation, the heading has been amended to conform with the established format.

the Committee against Torture in its recent questions or in other reports or even during the consideration of the Kingdom's fourth periodic report.

5. Some of the observations contained judgements that were contrary to the facts, such as the one that implied that no enquiry had been carried out on the Igdim Izik events, even though the Committee knew that full clarification had been provided on the subject of the enquiries and investigations that had been conducted.

6. There is a tendency to base assertions on information proceeding from various associations and other parties without checking whether they are true and adopting such information as facts. This amounts to explicit accusations against the policies pursued in the southern provinces of the Kingdom and against measures taken to deal with issues relating to terrorism, such as impunity, the failure to observe international standards on police custody or the criteria for a fair trial.

7. The Committee declined to accept the information contained in the written replies to its questions or the clarifications provided by the Moroccan delegation during the consideration of a number of questions, but accepted allegations that were not proved and were not based on any evidence establishing their correctness.

8. The Committee made recommendations that had no relevance to the implementation of the Convention and could be considered an interference in the legislative decisions of the State party, such as the recommendation to enact a special law on violence against women rather than incorporating it into the Criminal Code.

9. Lastly, a number of the observations betray the ambiguous and confused interpretation that the Committee has put on various legal provisions, such as the statement that a rapist who marries the person he raped is exempt from punishment.

### **Section C, paragraphs 5 and 6**

10. At the outset, we would like to state that the answer to the question about the definition of torture has already been covered by the explanation contained in the reply to paragraph 1 of the list of issues to be considered (CAT/C/MAR/Q/4). Moreover, the matter was addressed during the interactive dialogue between the Committee and the members of the Moroccan delegation, who provided the Committee with written information in response to this question. The Moroccan authorities would reiterate in this regard that the Torture Act No. 04-43 will be substantially amended as part of the overhaul of the Criminal Code. This will include a revision of the definition of torture, which will thus be in accordance with article 1 of the Convention.

11. With regard to the Committee's observations on the question of the imprescriptibility of the crime of torture, it should be noted that this point was also covered by the reply to paragraph 3 of the list of issues and that a reply was given during the interactive dialogue, when the Moroccan delegation informed the Committee that an important amendment had been made to the Code of Criminal Procedure in October 2011 and that Act No. 35-11, published in the *Official Journal* on 27 October 2011, lays down the imprescriptibility of the public right of action and the penalties for crimes declared imprescriptible by an international convention.

12. Under Act No. 35-11, the legislature defined precisely the procedures governing inquiry, prosecution and sentencing, with the result that the statute of limitations on the public right of action was removed and any divergence or interpretation that might prejudice the rights of the parties was avoided.

13. The Code of Criminal Procedure is one of the most important pieces of human rights legislation, by virtue of the measures that it contains to safeguard the right to a fair trial and the reliable mechanisms by which it ensures criminal justice, in order to bring it into line with the new provisions of the Constitution in that regard.

14. The statute of limitations and the penalties for such offences have been revised. Act No. 35-11 therefore provides for:

“the introduction of the imprescriptibility of the public right of action for offences that are imprescriptible under an international convention and consequently the imprescriptibility of the penalties to which they are subject, thus ensuring that national legislation is compatible with a range of international conventions.”

15. Moroccan legislation is thus currently in conformity with the international conventions prohibiting the prescription of certain offences, whenever the Kingdom has ratified the convention concerned.

### **Section C, paragraph 7**

16. The procedural safeguards under which a suspect may have access to his or her lawyer as soon as he or she is taken into police custody were included in the reply by the Moroccan delegation to paragraph 7 of the list of issues and the interactive dialogue, at which the Moroccan delegation clearly stated that Act No. 35-11, which had recently been adopted and entered into force, provided for the possibility that a suspect could have contact with a lawyer before the expiry of the first half of the initial period in police custody for ordinary offences and before the expiry of the initial period in police custody for terrorist offences.

17. In other words, the right to communicate with a lawyer is now available as soon as a person is placed in police custody and before half the period provided for terrorist offences has passed.

18. Moreover, the Act provides for other safeguards for a suspect, such as his or her right to communicate with one of his or her relations and to have access to legal aid or assistance, since the appointment of a lawyer to provide legal assistance for poor people is a right accorded to such persons by law, irrespective of the type or nature of the case for which they are being tried.

19. In that connection, article 66 of the Act provides that a person arrested or detained is entitled to contact a lawyer before the end of the first half of the initial period in police custody. It will thus be possible for a detained person to have access to the person in charge of his or her defence from the very first moment of his or her arrest, rather than having to wait for the initial period of custody to expire, as provided for by the current Code of Criminal Procedure. Moreover, an arrested person also has the right to contact his or her lawyer in cases relating to terrorist or other serious offences, even before the expiry of the initial period in police custody.

This provision thus guarantees a suspect the right to access to the person in charge of his or her defence from the very first moment of his or her arrest, rather than waiting for the initial period of custody to expire, as the current Code provides.

20. In addition to the rights guaranteed to arrested persons under Act No. 35-11, article 66 of the Act entitles them to legal assistance. It also gives them the right to appoint a lawyer or request that a lawyer be appointed, as part of their legal assistance.

21. Moreover, the right of access to legal assistance is not restricted to minors or cases in which the possible sentence for a crime exceeds 5 years, as indicated in the observations contained in paragraph 7 of the concluding observations. There has been some confusion about the information contained in the replies of the Moroccan delegation, both in the interactive dialogue and the reply given to paragraph 7 of the list of issues. It should therefore be reiterated that a lawyer is required to be present in cases involving minors and in criminal cases and the courts are fully entitled to appoint a lawyer for such categories of person.

22. As for the right to legal assistance, this is guaranteed to everyone by law, regardless of age, sex or the nature of the offence committed (Act No. 35-11, art. 66).

### **Section C, paragraph 8**

23. The definition of terrorism has already been given in the reply to paragraph 9 of the list of issues (para. 3). It was also addressed during the interactive dialogue between the Committee and the members of the Moroccan delegation, who provided the Committee with written information regarding this question.

24. As regards the criminalization of advocacy of the crime of terrorism, although such offences are not as serious as the crime of terrorism, Moroccan law — in accordance with the Arab Convention for the Suppression of Terrorism, together with the amendment to article 1, paragraph 3, of the Convention, adopted by Decision No. 648-d 22 of the Council of Arab Ministers of Justice of 29 November 2006 — deems the advocacy of terrorist crimes an offence, because the perpetration of such crimes is encouraged when the public is subjected to speeches, shouting or open threats in public places or meetings and to advertisements or the use of other media. Nonetheless, Moroccan law provides for a sentence only of between 2 and 6 years' imprisonment for this offence, which is considerably shorter than that for the crime of terrorism.

25. At the same time, it should be noted that the reply on this point has already been given in connection with paragraph 8 of the list of issues and during the interactive dialogue.

26. The period during which a person may be held in police custody for terrorist offences is 96 hours and may be extended twice, with authorization from the Office of the Public Prosecutor. This is a normal period, given the complexity of terrorist offences and the difficulty of the investigations and inquiries that have to be conducted in such cases.

27. With regard to delays in access by a person placed in police custody to a lawyer in a terrorist case, the reply to this question has already been given in connection with paragraph 9 of the list of issues and during the interactive dialogue between the Committee and the Moroccan delegation, which stated that the Code of Criminal Procedure had been amended under Act No. 35-11 of 27 November 2011, with the result that a lawyer may now communicate with his or her client before the expiry of the initial detention period, that is, as soon as the person is taken into police custody, rather than six days later, as claimed in the Committee's observations, which give the impression that people involved in terrorist offences are not entitled to judicial safeguards giving them the right to a fair trial. On the contrary, such people, like other individuals involved in crimes, enjoy every safeguard of the right to a fair trial at every stage of the procedure, in accordance with the provisions set out in the Code of Criminal Procedure, which were adopted in line with the principles contained in article 14 of the International Covenant on Civil and Political Rights. These safeguards apply to all crimes and every person, whatever the charge they face.

28. Moreover, the Committee's observations on this point give the impression that the law is not implemented, when it comes to action against terrorism. The facts, however, show that the reality is quite contrary to these allegations. This is clearly reflected in the files on suspects containing documents, written evidence, statements drawn up by the police, police inquiries and hearings that include the procedures and the evidence on which the Court relies and the guarantees of a fair trial provided to accused and convicted persons, particularly since most such cases are open to appeal through legal channels.

### **Section C, paragraph 9**

29. Out of respect for its international obligations, such as article 3 of the Convention, and taking into account the observations and comments of the Committee against Torture during its consideration of the fourth periodic report of Morocco, the Government of the Kingdom of Morocco has definitively nullified the decision to extradite Mr. Djamel Ktiti, a French national of Tunisian origin.

30. Extradition Decree No. 2-10-001 of 25 March 2010, authorizing the extradition of Mr. Djamel Ktiti to the Algerian authorities, has thus been nullified by Decree No. 2.12.13 of 24 January 2012. Mr. Djamel Ktiti was accordingly released on 2 February 2012.

### **Section C, paragraph 10**

31. The reply to this point was already made during the interactive dialogue. In that connection, all the complaints submitted to the Office of the Public Prosecutor are currently the subject of police inquiries. However, if they are to be successfully completed, such inquiries often require enough time to enable all the parties to be heard and to collect enough evidence supporting the truth of the allegations contained in a complaint, as well as the time to conduct a medical examination of the complainant. Moreover, some complaints do not contain enough evidence to justify opening inquiries and investigations into the author of the alleged acts, given

that it is the results of the inquiry that enable the necessary legal measures to be taken against a perpetrator, whatever his rank, once his involvement in the acts of which he is accused is proved. Moreover, when the author of the alleged acts remains unknown, an inquiry is opened against (X); if an inquiry does not result in the confirmation of the allegations, the Office of the Public Prosecutor decides to close the case and informs the complainant accordingly. In this regard, it should be noted that there have already been a number of convictions of officials for the crime of torture (members of the investigative police, police officers and prison personnel), some of whom were mentioned in the report and the written replies.

32. Contrary to what is stated in the Committee's observation concerning the exemption from punishment of a subordinate who commits acts of torture on the orders of a superior, torture is punishable in all cases and may not, in any circumstances, be exempt from punishment or mitigated.

33. As regards the provisions of article 225 of the Criminal Code, they do not appear in the section relating to torture but rather concern orders issued by a superior to a subordinate on a matter pertaining to their duties as is the case for an officer who orders law enforcement agents to arrest a person suspected of having committed a crime. In such cases, an officer is acting within the law. Further on, it is stated that the officer abused his power, because the arrest was ordered for personal reasons and was completely unrelated to the offence in question. In such a situation, only the superior officer is punished for the arbitrary act committed, since the subordinate did nothing more than carry out a legal order — in this case, an arrest — the relevance of which it is not for the subordinate to determine, because the order in question is fundamentally the responsibility of the superior officer. If, however, a superior orders a subordinate to torture a detainee, that is a prohibited act; the subordinate must therefore refrain from carrying out such an order, because it is illegal and does not form part of his regular duties. The subordinate may not carry out the order given to him by his superior, otherwise he becomes subject to punishment as a principal author, in addition to the superior officer, who is himself considered to have participated in the crime. The law thus permits a subordinate to refuse to carry out an illegal order. Moreover, an official may lodge a complaint with higher authorities or the courts. He is, in addition, protected by the administrative law and the Criminal Code against any retribution.

#### **Cases in which law enforcement officers are involved**

34. A trial is in process before the Tangiers Court of Appeal concerning a complaint lodged with the Crown Prosecutor-General by Othman Attamim alleging that he had been illegally detained by three members of the police force, two of whom were officers and one a brigadier, who subjected him to torture in order to extract a confession by force. Following investigations into the matter, it was decided to refer the three policemen to the public prosecution service. An examining magistrate subsequently ordered them to appear before the criminal division of the court of first instance in connection with the actions attributed to them. A criminal file was opened on the case, registered as No. 2609/11/330, and a hearing was held on 18 October 2011.

35. A judgement was issued by the Ouarzazate Court of Appeal following a complaint lodged by a person claiming that violence had been used against him. A peacekeeper, Saïd Al Foualla, was subsequently prosecuted for the use of violence

and assault and battery and sentenced to 4 months' imprisonment and a fine of 1,000 dirhams. The sentence was upheld on appeal, but the penalty was reduced to 2 months' imprisonment, while the 1,000 dirham fine was unchanged.

36. A judgement was issued by the Oujda Court of Appeal sentencing a police brigadier to 2 years' imprisonment for abduction and torture. The respondent applied for judicial review before the Court of Appeal and the case is ongoing (file No. 206/2008, hearing 27 September 2011).

37. A member of the Auxiliary Forces was the subject of criminal prosecution No. 104/2009 for assault and battery using a weapon. The accused was sentenced to 8 months' imprisonment and a fine of 500 dirhams. The sentence was upheld on appeal and the penalty reduced to 5 months' imprisonment.

38. The Rabat Appeal Court is hearing a case in which two gendarmes were tried for arbitrary detention. They were found guilty, held in detention and sentenced to 2 years' imprisonment and a fine of 10,000 dirhams.

39. A judgement was issued by the Rabat Appeal Court in the case of a gendarme with the rank of sergeant who had been tried for arbitrary detention and sentenced to 18 months' imprisonment and a fine of 10,000 dirhams. An application for judicial review of the judgement was made.

40. As regards the case of the prisoner Bouchta Charef, detained in connection with terrorist activities: following allegations made on the Internet about the acts of torture to which he claimed to have been subjected by the investigative police, the Crown Prosecutor-General of the Rabat Court of Appeal ordered that a medical examination of the complainant should be carried out by three doctors of the Avicenne Hospital in Rabat. The results of the inquiry showed that the detainee exhibited no signs of torture and that he suffered only from external haemorrhoids.

**Concerning the provision whereby agents of the National Surveillance Directorate are deemed members of the investigative police**

41. With a view to establishing safeguards to ensure a fair trial and strengthening the role of the investigative police, requiring them to render accounts and submit to judicial control, Act No. 35-11, recently ratified by Parliament, introduced new provisions whereby the Director-General, police chiefs, police comptrollers-general, commissioners and agents of the National Surveillance Directorate are deemed officers of the investigative police in relation to the offences set out in article 108 of the Code of Criminal Procedure, which includes the following: terrorism, breach of State security, formation of criminal gangs, abduction, hostage taking, possession of arms, munitions or explosives, activities involving a risk to health, murder, poisoning, forgery or falsification of money or public funds, drugs and psychotropic substances.

42. On the basis of these new provisions, agents of the Directorate will have to carry out their duties, like other members of the investigative police force, within the framework of the rules and functions required of them by law. They will be subject to the same obligations that they are required to observe under current legislation. Thus any infringement of the law or violation of another person's rights and freedoms will leave them open to prosecution.

43. Moreover, agents of the National Surveillance Directorate will be subject to the supervision of the prosecutor overseeing the inquiry concerned, who may also, under these legal provisions, carry out visits to places of detention under the Directorate's control.

### **Section C, paragraph 11**

44. Contrary to what was stated in the Committee's concluding observations, there are only official detention centres in our country; there are no secret places of detention. Moreover, the law requires that detentions should be served in prisons belonging to the governmental authority responsible for prisons (Code of Criminal Procedure, art. 608). Indeed, persons are placed in detention only in centres belonging to the National Security services and the Royal Gendarmerie, which are known to and under the supervision of the Office of the Prosecutor-General. These centres have a register, of which all the pages are numbered and signed and initialled by the Crown Prosecutor and in which are entered all the data relating to the identity of the person placed in detention, the grounds for detention, the time of the beginning and end of the detention, the length of questioning, rest periods, the detainee's physical comfort and state of health and the food given to the detainee. Moreover, such places are kept under supervision by the judicial authorities. Detainees are allowed visits from their lawyers or, in the case of prisoners, from their relations.

45. The allegation that some people have been detained in secret places following the terrorist attacks of 2001 is false and baseless. In-depth investigations and meticulous inquiries into the question of the people mentioned in the report have already been held and it has been established that none of these persons was arrested, crossed the Moroccan border or was placed in illegal detention.

46. With regard to Mohammed Hartit, who is mentioned, the facts are not as set out in the Committee's concluding observations, because the man concerned was never detained in a secret place. In fact, he was arrested and held in police custody from 6 to 18 May 2007, when he was brought before the Crown Prosecutor-General in the Rabat Appeal Court, following approval on two occasions of a 96-hour extension of his detention. He was brought before an examining magistrate the same day and it was decided to place him under judicial supervision. He was released the same day. On 16 April 2009, he was sentenced to a fine of 5,000 dirhams for holding public meetings without prior authorization and engaging in activities with an unauthorized association.

### **Section C, paragraph 12**

47. The commitment of the Kingdom of Morocco to respect human rights guarantees is an obligation that arises, above all, from the implementation of the provisions of the Constitution, which enshrines full respect for universally recognized human rights.

48. The Kingdom accordingly ensures that all its nationals enjoy the rights and freedoms guaranteed them by international human rights law, rights that the Moroccan State guarantees to all its nationals, wherever they may be. This rule



applies in the regions in the south of the Kingdom, as in the other regions of the national territory.

49. As for the existence of secret detention centres in these regions, this claim has proved totally baseless, because the truth is that there are no secret detention centres either in the southern regions of the Kingdom or elsewhere. The only observation made on this subject concerned the Témara centre, near Rabat, which is attached to the National Surveillance Directorate. Moreover, a reply about this was given in connection with paragraph 37 of the list of issues. What is more, Morocco has never received either from the international organizations or from any United Nations committee any evidence that would prove the alleged existence of a secret place of detention in the regions mentioned above. Morocco firmly asserts that it has never received any correspondence about these allegations from the human rights organizations or the Committee against Torture itself and declares that the allegations contained in the Committee's observations are simply unfounded statements of which the Committee should have checked the truth before taking them up in its observations.

### **Section C, paragraph 13**

50. The Moroccan authorities would emphasize that, following the events that occurred in connection with the dismantling of the Igdim Izik camp, a number of inquiries were launched on the instructions of the Office of the Prosecutor-General. A parliamentary commission also travelled to the area and carried out in-depth inquiries, after which they drew up a follow-up report on these events. In addition, several human rights associations formed a joint committee to investigate the events in question (Moroccan Bar Association, Ligue marocaine pour la défense des droits de l'homme, Association marocaine des droits de l'homme, Forum marocain pour la vérité et la justice, Forum Al Karama pour les droits de l'homme, Centre marocain des droits de l'homme, Association marocaine pour la citoyenneté et les droits de l'homme, Organisation pour la liberté de la presse et d'expression and Instance marocaine des droits humains). Other groups, including the Office of the Mediator for Democracy and Human Rights, the Observatoire marocain des libertés publiques and the Forum des alternatives Maroc, have also carried out inquiries and produced reports on these events. They all concluded that the camp had been established for purely social protests, but that some foes of the country's territorial integrity had taken advantage of the scope for freedom to keep the residents in the camp against their will and carry out acts of murderous violence and brutality against members of the police force, which resulted in the death of 11 police officers. On the other hand, no civilian was killed and no one was severely injured as a result of the police action, which took place within the limits established by law and in an atmosphere of discipline, in the interests of preserving public order and security and ensuring that no one was harmed. Moreover, no weapons or any other violent means were used. In that context, it is hardly reasonable to accuse the police of using excessive force in dismantling the camp, when 11 of its officers were killed and none of the persons who had broken the law were harmed. The only measure taken against them was that some of them were arrested and put on trial in accordance with the law.

51. After a number of complaints had been lodged with the Office of the Prosecutor-General against police officers, full inquiries were conducted but, in the

cases where the inquiries have been completed, did not produce any results to confirm the accusations against the police. Some other complaints against unknown police officers are currently under investigation and decisions will be taken in relation to them, in conformity with the law, once inquiries are completed.

52. The investigative police carried out their own investigation into the complaints lodged following the events in question. On the basis of that investigation, an inquiry was opened into the case of Kerkar Ibrahim, who died in a traffic accident. The file of the inquiry is registered as No. 22/2011 and the case is ongoing.

53. As regards the civilians who were brought before a military court, the reply to this question has already been given in the course of the interactive dialogue between the members of the Moroccan delegation and the Committee. To summarize, the persons brought before the military court had committed serious criminal acts, in the form of the murder of members of the police force, who had the status of members of the military, since they belonged to the Royal Gendarmerie and the Auxiliary Forces. In such cases, the law states that offences against military or paramilitary personnel should be tried by a military court.

### **Section C, paragraphs 14 and 15**

54. The Committee referred to the arrests of suspects by the police, who were then tortured without being brought before a judge and the existence of secret detention facilities attached to official detention centres.

55. This statement is purely and simply an allegation, without any proof. The Moroccan delegation is therefore led to wonder how seriously to take the Committee's observations, particularly when it has provided ample information on the matter and replied to all the questions put by the Committee experts during the interactive dialogue.

56. As for the lack of information on the non-existence of a detention centre in Témara, it should be noted that the Moroccan delegation replied to this question extensively in relation to paragraph 37 of the list of issues. Ample explanation was given on the visits organized by a group of bodies, including representatives of Parliament, the National Human Rights Institution and the judicial authorities. All these parties organized impromptu visits, without prior warning, to the headquarters of the National Surveillance Directorate and were provided with proof that there was no secret place of detention. The bodies making these visits could not all have decided to conceal the truth.

57. As regards prisons, it should be noted that, whenever a person is taken to a prison, a memorandum of imprisonment is entered in the detention register. The registrar thereby records the transfer of the detainee and enters the nature and date of the detention order and the authority issuing it.

58. A detention order must comply with the procedural conditions laid down in the Code of Criminal Procedure and the actual date of arrest must be recorded, together with the duration of the detention, where relevant.

## Section C, paragraph 16

59. Clarifications have already been provided on this paragraph during the interactive dialogue. The Committee has thus been informed of the various prosecutions mounted against members of the investigative police and been given examples of a number of cases in which the law against torture has been implemented. A police officer and a brigadier have been tried under this law for torture and abduction and the case is currently before the Tangiers Appeal Court. In another case, the Oujda Appeal Court passed judgement against a police brigadier for torture and detention, sentencing him to 2 years' imprisonment.

60. As regards the inadequacy of the disciplinary penalties imposed on some officers of the investigative police, it should be noted that the Moroccan delegation explained to the Committee that the Royal Gendarmerie officers concerned were still involved in an inquiry led by an examining magistrate; that is why no criminal penalty has been imposed in that case. As for the disciplinary penalties already imposed, they were decided in line with the rules of military discipline to which officers of the Royal Gendarmerie are subject. The acts of torture will be investigated by the relevant courts. It is for them to issue the penalties set out in the Criminal Code, which are severe. In addition, in cases where those involved are found guilty, additional disciplinary sanctions may be imposed, which may extend to their dismissal from public service or their dismissal as officers of the investigative police. It should be recalled that the officers concerned are still entitled to the presumption of innocence, while waiting for justice to be done. It is therefore regrettable that they should be considered guilty at this stage, even before the relevant judicial bodies have ruled that they are guilty of acts of torture. In this connection, it should be noted that reference is made to these cases only in order to highlight the will of the public authorities to conduct investigations and inquiries into all allegations of torture. The case of these particular persons has therefore been mentioned only in order to illustrate the type of penalties imposed for torture, which are invariably severe and appropriate to the seriousness of the offences.

61. We would emphasize yet again that legal measures are taken to address all complaints lodged for acts of torture, that such complaints give rise to inquiries conducted by the competent authorities as soon as possible, that the public prosecutors ensure that inquiries are followed up in coordination with the investigative police, that prosecutors do not hesitate to order medical reports to verify allegations of torture and that legal proceedings are launched against any person who proves to be involved in acts of torture.

62. The Committee's observation that impunity prevails in torture cases therefore remains purely an allegation, a statement contrary to the facts and with no specific basis, made in order to make it possible to assert that such practices exist and that their perpetrators have not been prosecuted. The Moroccan authorities also regret that the Committee did not take into consideration the replies given by the Moroccan delegation, while accepting various tendentious allegations made by other parties, even in the absence of any evidence.

**Section C, paragraph 17**

63. As has been stated on a number of occasions, a confession does not in itself constitute proof; it still has to be supported by a strong conviction on the part of the judge and must, moreover, constitute a feature of the trial.

64. In that connection, article 293 of the Code of Criminal Procedure expressly provides that any confession extracted by violence or force is null and void and the perpetrators of such acts incur the penalties set out in article 231.1 of the Criminal Code, which provides as follows: "Torture is defined as any act that causes acute physical or mental pain, intentionally inflicted by a public official or at his or her instigation or with his or her express or tacit consent on a person in order to intimidate or put pressure on that person or on a third person in order to obtain information, indications or confessions in order to punish him or her for an act that he or she or a third person has committed or is suspected of having committed, or when such pain or suffering is inflicted for any other reason based on any form of discrimination."

65. In the interest of ensuring their legality, therefore, Moroccan legislation does not recognize confessions obtained by force and it also holds criminally liable any person who uses force, the aim being to prevent any action or practice that is prejudicial to human rights.

66. Article 231.2 of the Criminal Code provides that "any public official who has committed the acts of torture set out in article 231.1 above shall be liable to 5 to 15 years' imprisonment and a fine of 10,000 to 50,000 dirhams".

67. It is therefore clear that the law does not only consider a confession extracted under torture to be invalid but expressly provides for the criminal liability of the perpetrator.

68. The court of cassation has ruled that any confession obtained by torture renders proceedings invalid and the record may not be taken into consideration (Judgement No. 631, issued on 24 December 1973, and Judgement No. 955, issued on 3 June 1961).

69. Moreover, the Code of Criminal Procedure does not give evidentiary force to the reports of the investigative police services in relation to serious offences (art. 290), across the whole range of criminal law, although it does recognize such reports in the case of minor offences (art. 291).

70. The evidentiary force of police reports based on statements recorded by an officer of the investigative police may not be taken as being identical with the truth and reality.

71. Thus the judgement of the court of cassation of 25 December 1963 states that: "If a police report contains a confession of guilt, the judges hearing the case are fully entitled to assess the validity of the confession in question, taking into consideration the conditions in which it was obtained. If the court declares the accused not guilty, its decision does not in any way affect the validity of the police report, where its authenticity has not been questioned by the court." The justice system is therefore careful to consider any evidence that may prove the contrary of

what has been reported by the police, in accordance with the general principle of discretion enjoyed by judges.

72. Moroccan legislation has set a number of conditions for a confession to be considered evidence. They are as follows:

- The confession must have been made by the accused in person;
- The confession must be compatible with the facts and the circumstances in which the acts were committed;
- The confession must be explicit and clearly formulated, without ambiguity;
- The confession must be formulated by a person in possession of all his or her mental faculties;
- The confession must be made voluntarily by the accused. Any confession obtained by violence, force or torture is invalid. Moreover, any confession that indicates a causal link between the statements made and the use of force, violence or torture must be discounted;
- There may not be evidence contradicting the confession;
- A court may pass judgement only on the basis of arguments submitted and debated during the trial (art. 287).

73. A court may pronounce judgement only after it has heard the arguments submitted and orally discussed in the course of the trial (art. 287). It is taken for granted that the accused is presumed innocent until his or her guilt is proved by a court following a fair trial in which he or she is provided with all the necessary legal safeguards (art. 1).

### **Section C, paragraph 18**

74. Paragraph 18 mentions the fact that some civil society associations were refused authorization to visit prisons and notes the absence of information on the results of visits to prisons by regional committees.

75. With regard to reports by the regional committee responsible for carrying out visits to prisons, it should be noted that a reply was made to this point in connection with paragraph 14 of the list of issues. Regional committees write reports on the conclusion of every visit and submit them to the Minister of Justice, who may, in turn, submit them to the relevant parties in the event of any shortcomings that require only that administrative or disciplinary measures should be taken. In that connection, the Ministry of Justice has written a number of letters to the head of the Department for Prison Administration and Reintegration concerning a number of prisons that do not have amenities or facilities for the prisoners, although it knows that the lack of such facilities is due to weakness of capacities and financial resources. This cannot, therefore, be considered an abuse of prisoners' rights.

76. It should also be emphasized that the regional committees, in view of the quality of the bodies and personalities represented, and the mandates conferred on them by law, take immediate measures following their visits to prisons, particularly when such measures are useful in resolving various procedural or administrative

problems relating to the interaction between the local management of a prison and the relevant regional services. The object of these committees is therefore to provide and guarantee the necessary means of aid and assistance to improve the prisoners' detention conditions.

#### **Number of visits by the public prosecution service to places of detention**

77. In accordance with article 45 of the Code of Criminal Procedure, the Crown Prosecutor carries out visits of inspection to detention centres attached to police or Royal Gendarmerie headquarters. These visits are conducted either by the Crown Prosecutor in person or by one of his deputies, at least once a week and without warning. During each visit, he enquires into the detention conditions of the persons placed in police custody, hears their statements and examines the registers held by the investigative police and reserved for that purpose.

78. Thus, since 2009, 936 visits have been conducted by judges and 253 by regional committees.

79. In 2010, 1,392 visits of inspection were conducted by the Crown Prosecutor to detention centres and in 2011 1,183.

80. The Department for Prison Administration and Reintegration grants permits to many civil society associations to conduct visits to prisons with a view to providing prisoners or their families with assistance and material or moral solace. It may be noted that 2,562 visits have been made since 2009.

81. With regard to the request that prison associations should be given a supervisory role, the Department interacts positively with all reports, comments and proposals made by such associations on any grievances and the detention conditions of some prisoners and provides the necessary clarifications in that regard.

82. The Department also takes appropriate measures in some cases, once it has determined the reliability and truthfulness of the evidence.

83. It should be noted in this connection that the associations play a real role in overseeing prisons by means of their visits to such establishments as members of the regional committees responsible for prison oversight, since the law, in the form of the Code of Criminal Procedure, gives the Minister of Justice the authority to appoint volunteers from these associations or persons known for their interest in everything that concerns the issue of detainees in any way to serve as members of such committees.

#### **Oversight and inspection of places of detention**

84. The report submitted by Morocco set out the conditions for visits to detention centres by non-governmental organizations (NGOs) when it described article 84 of Act No. 23-98.

85. Regular visits are paid to prisons by examining magistrates and provincial commissions. Every visit is followed by a report submitted to the central authority, which reads it carefully and takes into consideration any comments that may be made.

86. Experts are recommending that the law should be changed to enable national and international NGOs to go into prisons in order to carry out an inspection and

monitoring role. A change in the law is not the responsibility of the Department for Prison Administration and Reintegration; it is a long procedure, but the administration is considering it.

87. It should, however, be noted that the National Human Rights Council is authorized to go into prisons. It is in a position to carry out oversight and effective inspection of all places of detention.

88. The National Human Rights Council is now possessed of wide powers, which include oversight, monitoring and follow-up of human rights throughout the country.

89. It is thus entitled, as a national institution, to visit places of detention and prisons and to monitor prisoners' conditions.

90. Article 11 of the Dahir establishing the Council, dated 1 March 2011, clearly provides that:

“Subject to the responsibilities vested in the relevant public authorities, the Council shall, in the exercise of its mandate on the protection of human rights, undertake visits to places of detention and prisons and observe the situation of the prisoners and the treatment given them. It shall also visit child protection centres and reintegration centres, hospitals specializing in the treatment of mental or psychological illness and holding centres for illegal aliens.

“The Council shall draw up reports on visits it has made, containing observations and recommendations aimed at improving the conditions of detainees and inmates of such centres, establishments or places. It shall submit such reports to the relevant authorities.”

## Section C, paragraph 19

91. The table below shows how budgetary resources allocated to the Department for Prison Administration and Reintegration are used, by nature of expenditure (in millions of dirhams):

<i>Budget</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Operating budget	182	519	535	525
Investment budget	100	264	408	325
Special purposes account	105	105	120	120
Total	387	888	1 063	970
Staff expenses	480	540	523	612
Overall total	767	1 428	1 586	1 582

92. As has already been explained to the Committee, this increase in the budget has made it possible to build new prisons, renovate old ones and increase prisons' operating budgets, particularly in the area of food and medical care.

93. The Department continues to defend its budget so that it can pursue its efforts to maintain detention conditions in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

94. The State is aware that prison overpopulation is undesirable and has been working for several years to introduce new legislation permitting the use of alternative measures to placement in preventive detention.

95. In parallel with the updating of the law, the Department has launched a programme to modernize prison infrastructure and increase the system's absorptive capacity. Thus eight new prisons have become operational since 2009. The Department has also undertaken the expansion and restoration of a number of prisons.

96. There are six prisons currently under construction, which will be operational within a very short time. It should be noted, in that connection, that five old prisons have been closed.

### **Section C, paragraph 20**

97. The measures provided for by law are taken into consideration in all cases of death in prison. The prison concerned is required to inform the public prosecutor, who authorizes an autopsy and takes the necessary steps as appropriate.

### **Section C, paragraph 21**

98. The reply to this issue has already been delivered as part of the interactive dialogue between the Committee and the Moroccan delegation, which again states that its position on the question of capital punishment is clear and is demonstrated by the gradual abolition of this punishment in its legislative system. This has been achieved by means of a reduction in the number of crimes punishable by death, agreed when revisions were made to the Criminal Code.

99. The same applies to the gradual abolition of the death penalty in criminal extradition treaties that Morocco has signed with several foreign countries. Our country has striven to implement this abolition by commuting the penalty for an act punishable by death under Moroccan legislation to the penalty for the same act stipulated in the legislation of the State to whom the extradition request has been made. This question has already been brought up in the report submitted to the Committee. Morocco believes that the clarifications provided on this topic were exhaustive, that the abolition of the death penalty is an option that Morocco has already committed itself to and that the process is on the right track. Consequently, it was not necessary to include this question in the Committee's observations and recommendations. It should have appeared rather in the second part of the Committee's report, relating to positive aspects.

100. On the right of death-row prisoners to receive visits from their families and lawyers, it has already been reported to the Committee (along with examples and figures) that prisoners on death row enjoy all their rights and can receive visits from members of their families and their legal representatives. Prisoners on death row may also communicate with their lawyers.

101. In accordance with Act No. 23-98, death-row prisoners are subject to special observation to study their personality, to monitor their psychological condition and to ensure their stability.



102. In addition, death-row prisoners may receive visits from human rights organizations and from the National Human Rights Council, in order to enable inquiries to be made about conditions of detention.

### **Section C, paragraph 22**

103. It is strongly recommended that the National Human Rights Council should, in the framework of its allocated responsibilities, inspect psychiatric hospitals and carry out periodic and unannounced visits as well as produce reports on the visits it has undertaken.

104. The Ministry of Health has reacted very positively to the provisions contained in the Dahir establishing the National Human Rights Council and has produced Memorandum No. 0120 for health professionals with the aim, among others, of educating and training professionals and encouraging them to cooperate with the Council so it can carry out its work (see attached copy of the Memorandum in Arabic).

### **Section C, paragraph 23**

105. With regard to the absence of a specific legal framework concerning violence against women, it is worth recalling that this observation was the subject of a reply from the Moroccan delegation during the interactive dialogue with the Committee members. In this connection, Morocco reaffirms that the Criminal Code provides broad protection for women against violence. Such protection can take specific forms, such as in the case of violence against a wife, for which the aggressor's penalty is increased.

106. As for the implementation of a legal framework concerning violence against women, discussions on such an eventuality are ongoing.

107. It must be noted in this regard that while Morocco is required, under international conventions, to apply legislation and to take practical steps to protect women against violence, it should also be said that the decision on adopting specific legislation concerning violence against women or including such protection in the Criminal Code is the prerogative of the State and no other party may play a role in the process. Morocco is committed to introducing a law that conforms to international conventions but has not determined the form such a law should take. This is why we cannot refrain from expressing our surprise at seeing this observation mentioned after the Moroccan delegation replied to it by noting that it concerned a domestic Moroccan debate in which no other party should take part.

108. We would underline again the fact that there is a legal framework designed to protect women against violence and, furthermore, that the law provides for the protection of victims, witnesses and informers. To confirm that a legal framework protecting women against violence exists, statistical data have been included with our reply.

109. As regards the low number of recorded complaints in cases of violence against women, it should be noted that complaints made by women citing violence against them are not restricted to those made to the units responsible for women victims of

violence, attached to courts of first instance, but also include complaints made directly to the police and the gendarmerie. Thus in 2010 the number of cases recorded in courts — based on complaints and records dealt with by the police and gendarmerie — amounted to a total of 10,565, which resulted in 11,295 prosecutions, while in 2009, 8,978 cases were recorded and 10,332 people were prosecuted. In 2008, the number of recorded cases was around 30,000 and 32,302 people were prosecuted. It should be noted that the number of cases of violence against women has fallen by roughly 50 per cent between 2008 and 2010.

110. As regards the burden of proof for domestic violence resting solely on the wife, it must be noted that the principle of proof in criminal cases is governed by the principle of unconstrained evidence. That means that, for the crime of domestic violence, the law does not put the burden of proof exclusively on the woman; proof of this crime can be established by any means, including indications of violence on the victim and the evidence and circumstances unique to each case.

111. As for the criminalization of marital rape, the reply to this observation has already been provided in the interactive dialogue with the members of the Committee, who were given a written reply on the topic. The Moroccan authorities can confirm that the Criminal Code has made rape a crime without linking it to a specific relationship, such as when the victim is the perpetrator's wife. The Criminal Code considers the woman generally to be the victim of this crime. Furthermore, the Moroccan authorities regret that the Committee has not taken into consideration the reply that it received to the effect that there is no text exempting the perpetrator of child rape from punishment when he makes the child concerned his wife, because anyone who commits rape is punished in all instances, even when he marries the victim of the rape.

112. In addition, the provisions under article 475 of the Criminal Code, as has already been stated during the dialogue with the Committee, are not applicable to rape but rather to the crime of the abduction of a minor who leaves the parental home to be with someone and agrees to marry him. In this case, there has been no rape (since rape is an act by which a man has sexual relations with a woman without her consent), but rather a marriage without the consent of the family. In this regard, it must be noted that, although the law distinguishes between a minor and an adult, a minor in such circumstances (aged less than 18) is deemed to be an adult and consenting to marriage. In this case, the prosecution for abduction of a minor can be dropped if the complaint made by the family or guardian is withdrawn in order to maintain good family relations and to protect the make-up of the family if arresting the husband could lead his minor wife to lose any chance of a normal life.

113. Below is a table containing data on the number of complaints of violence made by women to the unit responsible for protecting women and child victims of violence under the legal jurisdiction of the Casablanca Court of Appeal:

	Place			Time of day				Frequency		<i>Physical violence</i>	<i>Methods used</i>						
	Marital home	Victim's home	Other	Daytime	Night time	Constant	Intermittent	Hands and feet	Weapon		Domestic appliance	<i>Sexual abuse</i>	<i>Domestic abuse</i>	<i>Mental abuse</i>	<i>Economic abuse</i>		
Casablanca Court of Appeal	11	03	20	04	27	11	19	34	44	07	02	122	05	142	00		
Casablanca Court of First Instance	50	10	12	21	31	39	40	72	66	04	06	00	15	98	00		
Total	61	13	32	25	58	50	59	106	110	11	08	122	20	240	00		

### Section C, paragraph 24

114. Morocco has made a whole-hearted commitment to implementing the Convention on the Rights of the Child in order to establish a democratic society and to fight violence in general and violence against children in particular.

115. This means that Morocco has undertaken to fearlessly fight all forms of corporal punishment and other humiliating treatment inflicted on children, taking various steps and measures that are already in place or are to be implemented and which were described in writing following the consideration of the periodic report, such as:

- Improving national legislation to support children, in accordance with a recommendation from the Committee on the Rights of the Child.
- Strengthening protection for children, within the text of the Criminal Code, against assault and battery and other mistreatment.
- Raising the age to which specific protection is accorded from 12 to 15 years.
- Removing medical confidentiality regarding criminal acts and instances of mistreatment or offences committed against minors under the age of 18 (art. 446).
- Increasing the penalty for rape and for indecent assault when the victim is under the age of 18 (arts. 486, 484 and 485).
- Introducing new provisions to increase the penalty for offences committed by criminal gangs (art. 499, para. 1), and for offences involving violence or torture (art. 499, para. 2).
- Increasing the penalty for those who, knowing an offence has already been attempted or committed, do not immediately inform the authorities, when

the victim of the offence or attempted offence is a child under the age of 18 (art. 299).

- Introducing statutory recidivism for offences against children (art. 158 of the Criminal Code), etc.

## **Section C, paragraphs 25 and 26**

### **On the provisions governing the expulsion of undocumented migrants**

116. Act No. 02-03 distinguishes between deportation and expulsion.

117. Deportation is a legal act, accompanied by all legal and procedural guarantees, applied against all individuals who enter or leave Moroccan territory by channels or places other than border posts, or remain on Moroccan territory beyond the period authorized by their visas.

118. In accordance with article 23 of Act No. 02-03, a foreign national who is the subject of a deportation decision can, in the 48 hours after having been notified, request the annulment of this decision before the presiding judge of the administrative court acting in the capacity of the urgent applications judge.

119. Foreign nationals can, in such cases, request the services of an interpreter and access to the file containing the information on the basis of which the contested decision has been made. They are helped by a lawyer, if they have one. They can ask the presiding judge or his or her representative to appoint a lawyer.

120. The proceedings have a suspensory effect. A deportation decision may not be carried out:

- Until the deadline for an appeal (48 hours) has expired;
- If a judge rules that the appeal should be heard within four days.

121. A deportation decision “may be made by the administration if the presence of a foreign national on Moroccan territory poses a serious threat to public order”, in accordance with article 25 of Act No. 02-03. Such a decision can also be made when it is for the immediate need of State security or public safety (art. 27 of the Act).

122. However, legislation explicitly provides for categories of foreign nationals who cannot be subject to deportation decisions. Article 26 of Act No. 02-03 details a list of individuals who cannot be subject to deportation decisions and to whom the following circumstances apply:

- Foreign nationals who can prove by any means that they have been ordinarily resident in Morocco since the age of 6 or for more than 15 years;
- Foreign nationals who have regularly resided in Moroccan territory for 10 years, who have been married for at least one year to a Moroccan spouse or who are parents to a child residing in Morocco;
- Foreign nationals who have acquired Moroccan nationality by law;
- Foreign nationals regularly residing in Morocco with a legal residence permit (registration certificate or residence card), or pursuant to

international conventions, and who have not been convicted and given a final sentence of at least 1 year's imprisonment or its equivalent;

- Pregnant women and minors.

### **On the protection of third-country migrants**

#### **1. Legal and judicial provision**

123. Act No. 02-03 on the entry and residence of foreign nationals in Morocco and irregular emigration and immigration came into force in November 2003. The Act:

- Incorporates the hierarchy of laws as a basic principle, inasmuch as all its provisions are to be applied subject to the international conventions ratified by Morocco.
- Grants specific protection to certain vulnerable categories of migrants, such as pregnant women and minors. This protection reinforces within the Criminal Code the explicit criminal offences of racism and of discrimination based on an individual's ethnicity, colour or race.
- Explicitly requires the judicial authority to ensure respect for the human rights of foreign nationals awaiting deportation and monitor the conditions in which they are held.
- Provides for stiff sentences for individuals involved in the activities of migrant trafficking networks, ranging from 5 years' to life imprisonment when a victim dies as a result.
- Sets out clearly the work of the different administrative entities involved in the fight against illegal migration in order to prevent abuse. To this end, article 51 of Act No. 02-03 punishes any action aimed at encouraging the smuggling of migrants or the trafficking in persons committed by a government official who is in charge of law enforcement officials or who is such an official or who has supervisory responsibilities, with a sentence of imprisonment for a term of 2 to 5 years and of a fine of 50,000 to 500,000 dirhams.
- Protects the physical and mental integrity of migrants to Morocco by forbidding the expulsion of foreign nationals to another country where they can demonstrate that their life or liberty would be at risk or that they would be subject to inhuman, cruel or degrading treatment.
- Respect for migrants' human rights is also guaranteed following the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Vienna Convention on Consular Relations, which entitles foreign nationals arrested or detained in police custody to stay in contact with their consular mission, as well as the constructive cooperation established with specialized international organizations, particularly the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees.

124. It should also be noted that the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the

United Nations Convention against Transnational Organized Crime, has been ratified by Morocco, which deposited its instruments of accession with the United Nations in April 2011.

125. In relation to the victims of human trafficking, a multifaceted programme and an array of help and support measures are provided:

- Help and protection is provided to various categories of victim, particularly victims who testify in preliminary investigations and in court hearings, against possible acts of reprisal or intimidation on the part of traffickers.
- Legal assistance to make complaints about exploitation or mistreatment by members of trafficking networks is provided.
- Victims' rights to respect for their private life are protected, including when information is collected and analysed.
- Given that human trafficking inevitably involves the use of all types of coercion (violence, fraud and the exploitation of vulnerable situations), appropriate structures are put in place to provide victims with medical and psychological help as well as health care, according to the individual needs of each victim.

## **2. Operational provision**

- The Ministry of the Interior and the Consultative Council on Human Rights have maintained a partnership since 2006 based on the judicious inclusion in the training and development processes of law enforcement officials of a course on the culture of fundamental human rights and the protection of migrants' rights and dignity.
- Migrants are being removed from the danger of exploitation by criminal human trafficking networks (2,560 networks have been broken up since 2004).
- Migrants' rights to health are protected by the training of teachers from the areas from which sub-Saharan migrants come to Morocco so that their countrymen understand the dangers of AIDS.
- Saving migrants at sea is another priority for the Moroccan authorities, given the human tragedies that take place during the increasingly dangerous crossings by thousands of migrants exploited by cross-border criminal organizations: 6,344 victims have been rescued at sea since 2006.
- Moroccan authorities act with respect for the legal and regulatory provisions in force, notably Act No. 02-03 on the entry and residence of foreign nationals in Morocco and irregular emigration and immigration, which distinguishes between deportation and expulsion, according to which deportation is a legal act, accompanied by all legal and procedural guarantees, applied against all foreign nationals who illegally enter Morocco or illegally reside in Moroccan territory.
- Nonetheless, aware of the difficulties associated with expulsion procedures overland, the Moroccan authorities have been operating voluntary and assisted repatriation by air since 2004. This represents a real model of

South-South cooperation that has resulted in 11,500 foreign nationals being returned to their country of origin, with respect for their rights and dignity, in the presence of representatives of their embassies in Morocco.

- In this area, particular attention is paid to the humanitarian dimension by providing thorough care for migrants in setting up necessary pre-departure structures including catering facilities, social- and health-care frameworks and temporary housing in appropriate public premises while they wait for their return to their countries of origin to be arranged.

### **3. The role of civil society**

- NGOs are encouraged by State institutions to work to protect migrants especially through partnership agreements.
- There are awareness-raising campaigns to help migrants.

## **Section C, paragraph 27**

126. Contrary to what is stated in the Committee's observations, Morocco has adopted a national strategy to fight human trafficking, already mentioned in the reply given about paragraph 18 on the list of issues, as highlighted by the Moroccan delegation during the interactive dialogue with the members of the Committee. It must also be noted that Morocco is aware of the seriousness of this crime and of how human trafficking networks exploit women. To this end, numerous steps have been taken to fight this scourge, as detailed in the following examples:

(1) A commission has been established with the task of ensuring the practical implementation of the national strategy to combat emigration and human trafficking networks.

(2) A model employment contract has been drawn up to include protective provisions for women working in hotels abroad. This document has been distributed to all hotels seeking to employ Moroccan workers, with the understanding that the Moroccan Ministry of Foreign Affairs and Cooperation validates only contracts approved by the Moroccan Ministry of Employment.

(3) Contracts concluded directly have been banned; this means that the competent authorities in the States concerned have been asked to send job offers through the diplomatic channel to the Moroccan Ministry of Employment in order that candidates with genuine professional skills and abilities may be selected.

(4) The Moroccan security and judicial authorities have undertaken to take steps to break up contract brokerage networks involved in sending Moroccan women abroad with the aim of exploiting them financially. In this respect, a police campaign to track both Moroccan and foreign human trafficking networks has resulted in the arrest of a large number of brokers, some of whom have already been named in reports put together by our embassies in several Arab countries. These people have been tried and sentenced.

(5) Instructions have been given to the authorization office of the Ministry of Foreign Affairs and Cooperation to approve only those documents bearing the title

“artist” that have been issued by the Ministry of Culture and not those issued by artists’ unions.

(6) An international colloquium in Rabat was organized in partnership with the Commission for Arab Women’s Employment Affairs under the Arab Labour Organization (ALO), entitled “Towards more rights for Arab women migrants”, the theme of which was the different forms of exploitation that Arab women can suffer in certain Arab countries.

(7) The Ministry of Justice has organized training sessions on the topic of human trafficking for members of the units responsible for protecting women and children attached to all the Kingdom’s courts.

127. Furthermore, as part of the attention paid to victims of human trafficking, the Moroccan authorities have provided material aid and moral guidance to the victims of these crimes, the majority of whom are not directly responsible for their situation because they have been wrongly drawn into human trafficking networks. Aid is given to them with this in mind and it is bolstered by making contact, through our embassies abroad, with the parties that use the aid to ensure that victims enjoy their rights, have access to legal assistance, are issued with a passport and air tickets to return to Morocco and are guaranteed accommodation until deportation procedures have been completed. In addition, the victims are also provided with psychological support and protection against any danger to which they could be exposed.

128. As regards the development of a legal framework to combat human trafficking, a special section making trafficking in persons a punishable criminal offence has been included in the draft amendment to the Criminal Code. It provides a definition of trafficking in persons that will be compatible with the globally accepted definition of the crime in all its forms, which targets in particular women and children.

129. Furthermore, the Criminal Code currently in place includes stringent provisions for stiff sentences for criminal gangs that specialize in human trafficking; it also includes penalties for perpetrators of these crimes by considering money obtained from human trafficking as a money-laundering crime (Criminal Code arts. 467, para. 1, 498, 499, paras. 1 and 2, 501, para. 1, 574, paras. 1 and 2).

## **Section C, paragraph 28**

130. The Ministry of Justice has organized several training sessions on the subject of torture and the ways to prevent it, in which members of the judiciary (judges, public prosecutors and examining magistrates), police officers (from the Directorate-General of National Security and the Royal Gendarmerie), prison officials and doctors have all taken part.

131. These training sessions have been organized in conjunction with international organizations for the prevention of torture and the Centre for Capital Punishment Studies in London. In order to assess the efficacy of these sessions, the organizing committee made sure that each meeting was evaluated in part by the participants themselves. An evaluation form was distributed to them to this end as a personal feedback document and was completed by each participant in order that every aspect of the training session, such as the scientific component, what was learned



and how the session was organized, could be evaluated so that the participants' feedback and comments could be used to help organize further training sessions.

132. Furthermore, this assessment was not restricted to the organizing committee alone; the organizations and bodies that helped arrange the training sessions also provided input.

133. For example, the Ministry of Justice has organized training sessions in partnership with the Association for the Prevention of Torture for the benefit of court judges and public prosecutors, officers from the Directorate-General of National Security and the Royal Gendarmerie, officials of the Department for Prison Administration and Reintegration and representatives from the National Human Rights Council. These study days focus on implementing the provisions of the Convention and amending national legislation in the light of the Convention with the aim of enabling officials to apply the law and strengthening their understanding of the provisions of Act No. 43-04 on making torture a criminal offence and of the International Convention on the Prevention of Torture. They also help start an open dialogue on how to achieve the legislative goal of ensuring that the law is implemented as effectively as possible as part of good judicial practice that guarantees a fair trial and strives to maintain individuals' safety and dignity and, in so doing, protects them against all forms of torture.

134. Another result of the success of these training sessions is the idea to write a handbook on combating torture and on ways to prevent it. This handbook, a result of a collaboration between the Ministry of Justice and the Association for the Prevention of Torture, is currently being developed and is targeted at anyone responsible for enforcing the law.

135. As for the Ministry of Health, its remit does not cover specialist training, this is rather the responsibility of the Ministry of Education, Higher Education, Executive Training and Scientific Research, whose functions include the training of forensic doctors. Nevertheless, given that these doctors are part of the health system, the Ministry is ready to join the strategy of the Interministerial Unit on Human Rights, which envisages, as part of nurses' basic training, both the teaching of modules on human rights and in-service training of all professionals, so that they will learn about the provisions of the Convention and become familiar with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

#### **A final word**

136. The Kingdom of Morocco requests that information supplied to the Committee in response to its concluding observations be published in full on the website of the Office of the United Nations High Commissioner for Human Rights and in the Committee's annual report.