



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

Distr.: General  
20 June 2011  
English  
Original: French

---

## Committee against Torture

Forty-sixth session

9 May–3 June 2011

### List of issues to be considered during the examination of the fourth periodic report of Morocco (CAT/C/MAR/4)

#### Articles 1 and 4

1. According to the State party's report (paras. 15–22), article 231-1 of the Moroccan Criminal Code has been amended to include a definition of torture that is in strict conformity with article 1 of the Convention. Please clarify the scope of the definition of torture in the light of article 231-2, which reportedly refers only to “public officials” as bearing criminal responsibility for torture, and article 224, which contains a narrow definition of the term “public officials”. Please indicate whether an amnesty or a pardon may be granted to individuals convicted of committing torture.
2. Please provide details of cases where the provisions of article 231-1 to 231-8 of the Criminal Code relating to torture have been applied. Please specify what type of case it was, where the offences were committed, what penalties were imposed or what the reasons were for acquittal.
3. In the light of the information provided in paragraph 56 of the report concerning the 20-year statute of limitations for acts of torture and, bearing in mind the Committee's previous concluding observations,<sup>1</sup> please provide information on the follow-up given to the Committee's recommendation that the statute of limitations should be abolished for acts of torture.
4. With reference to paragraph 8 of the State party's report, please provide updated information on the status of the bill on involuntary disappearances. If it has been adopted, please provide the relevant text of the law to the Committee.

---

<sup>1</sup> See CAT/C/CR/31/2, paras. 5 (f) and 6 (d).

**Article 2<sup>2</sup>**

5. With reference to paragraphs 1–9 of the document containing comments by the State party in response to the conclusions and recommendations of the Committee,<sup>3</sup> as well as the request for information made by the Committee’s Rapporteur on Follow-Up on Conclusions and Recommendations in her letter of 10 May 2006, please provide statistical data on measures implemented to uphold basic legal safeguards. Please include detailed information on how detainees are made aware of their right to contact a lawyer and to be examined by an independent doctor. Please indicate whether legal aid is made available to all detained persons and provide information on the number of legal aid attorneys in the territory of the State party, disaggregated by location. With reference to the information provided by the State party, including in paragraph 63 of its report, indicating that the police are required to “immediately” notify the families of detainees, please clarify whether the State party guarantees the right of a detainee to personally contact a family member and, if so, how this right is effectively guaranteed.

6. Please clarify whether a detainee’s lawyer or a judge must make a formal request in order for the detainee to be examined by an independent doctor,<sup>4</sup> or if the detainee may directly request such an examination.<sup>5</sup> Please explain how much time generally passes between the submission of a request for a medical examination and the examination itself. Please provide relevant data.

7. Please explain why, under Moroccan law, detainees do not have access to a lawyer from the outset of detention or custody, but only after the extension of the remand in custody (paragraph 29 of the report). Is there any plan to amend the relevant provisions? Please provide information on the practical steps taken to guarantee access to a lawyer for every detainee,<sup>6</sup> particularly for persons with inadequate resources.

8. Please indicate whether there is any plan to amend provisions on police custody (including with respect to the Act No. 03-03 of 28 May 2003 on combating terrorism) so as to limit the period of custody to a strict minimum, as recommended by the Committee against Torture, and to allow a detained person to communicate promptly with his or her lawyer from the outset of the custody.

9. The Committee understands that, pursuant to Act No. 03-03 of 28 May 2003 on combating terrorism, the Code of Criminal Procedure was amended to allow for the extension of pre-arraignment detention in terrorism-related cases for up to 12 days and of the period in which detainees are denied contact with their lawyers to up to 6 days. Please provide statistical information on how often this provision has been applied during the reporting period and the steps taken by the State party to ensure that basic legal guarantees

---

<sup>2</sup> The issues raised in connection with article 2 could also be relevant to other articles of the Convention, including, but not only, article 16. As stated in paragraph 3 of general comment No. 2: “The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter ‘ill-treatment’) under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... . In practice, the definitional threshold between ill-treatment and torture is often not clear.” See also part V of the general comment.

<sup>3</sup> CAT/C/CR/31/2/Add.1.

<sup>4</sup> CAT/C/CR/31/2/Add.1, para. 6.

<sup>5</sup> CAT/C/MAR/4, para. 68.

<sup>6</sup> General comment No. 2 of the Committee against Torture, CAT/C/GC/2, para. 13.

for suspects are upheld, in particular the right to consult a lawyer promptly upon being taken into official custody. Please clarify the definition of “terrorism” used in this Act.

10. With reference to paragraph 5 of the conclusions and recommendations of the Committee,<sup>7</sup> please comment on allegations by NGOs, including Amnesty International and Human Rights Watch, that individuals in terrorism cases have been: arrested outside the normal legal framework, without a warrant and by unidentified plain-clothes officers from the National Surveillance Directorate (DST); held in undisclosed locations for periods longer than the 12 days authorized by the Counter-Terrorism Act No. 03-03 of 28 May 2003; subjected to torture and ill-treatment; and asked by police to sign a statement without having been given access to a lawyer.<sup>8</sup> In this regard, please comment on allegations made by the individuals named below, who claim that they were placed in incommunicado detention and held in Temara prison. Please indicate whether the allegations were investigated and led to prosecutions and, if so, what the outcome was of these procedures:

- (a) Mehdi Meliani;
- (b) Younes Zarli;
- (c) Yassir Outmani;
- (d) Salah Nachat;
- (e) Aziz Denkir;
- (f) Youssef al-Taba`i.

Also please comment on other allegations that the following persons were tortured at Temara prison:

- (a) Mohamed Gatit;
- (b) Hammou Hassani;
- (c) Noredine Gharbaoui.

11. Please identify measures that the State party is taking to address allegations of torture and ill-treatment of individuals in the custody of security forces, particularly during transfers and pretrial detention.

12. Paragraph 14 of the document containing the State party’s comments in response to the conclusions and recommendations of the Committee<sup>9</sup> provides information on the total number of visits that prosecutors paid to police stations in 2003 and part of 2004 in order to ensure that the Code of Criminal Procedure was being properly implemented. Please provide statistics on these visits for the entire reporting period. Please also provide data on visits conducted by judges. Please provide data on the outcomes of these visits and what changes in practice, if any, have resulted from these visits. Do prosecutors make unannounced visits to places of detention? If so, please provide data on the frequency of such visits during the reporting period and the places visited.

13. Please provide information on the activities of the Consultative Council for Human Rights with regard to visits to prisons. How many visits took place during the period under review and what was the outcome? Please indicate whether the Council is competent to

---

<sup>7</sup> CAT/C/CR/31/2.

<sup>8</sup> See CAT/C/CR/31/2, para. 5 (d). See also the report of the Working Group on Enforced or Involuntary Disappearances on its mission to Morocco, A/HRC/13/31/Add.1, paras. 20–24.

<sup>9</sup> CAT/C/CR/31/2/Add.1.

request investigations following such visits and, if so, please provide relevant examples and statistical information.

14. Please provide further information on the role, function, powers and activities of the local administrative committees headed by mayors that are mentioned in paragraph 32 of the report, and on the outcome of any visits carried out. How many visits have these committees conducted? Do the committees have the power to request investigations and, if so, what has the outcome been of such investigations?

15. Please provide additional information on the role of Morocco in the policy of externalization and subcontracting repression through the management of migratory flows to the border States of the European Union. Please inform the Committee of the follow-up action taken in alleged cases of ill-treatment of migrants and asylum-seekers, particularly those from sub-Saharan Africa, who, during collective expulsion operations, are reported to have been abandoned in the desert without food or water or detained at military bases without being given information on their rights or plans for their release. Please also provide information on the action taken to deal with cases where excessive force was used against migrants, such as those that occurred in Ceuta and Melilla in 2005. Please provide information on investigations conducted and their findings and on steps taken to prevent the recurrence of such incidents.

16. Please provide information on the legal framework for combating violence, including sexual and domestic violence, against women in Morocco and the measures taken to eliminate this phenomenon. Please provide statistical data covering the period 2006–2011 on the number of complaints filed about different forms of violence against women, the number of related decisions handed down by the courts, and the length of time between the filing of a complaint and the conclusion of trial proceedings. Please provide examples of such court decisions. What measures are taken to facilitate the submission of complaints regarding sexual violence, to ensure the privacy of the complainant and to prevent retraumatization? Please comment on the allegations that the rules of criminal procedure in Morocco hamper prosecutions of perpetrators of violence against women. Please provide information on the measures being taken by the State party in the campaign to prevent violence against women that it launched in 2006. Please indicate whether marital rape is a criminal offence under Moroccan law. Please indicate whether the State party intends to ensure that prosecutors do not drop criminal charges against individuals charged with rape if they marry their alleged victims.

17. Please provide information on measures put in place to fully ensure the independence of judges in the performance of their duties in conformity with international standards, including the Basic Principles on the Independence of the Judiciary. Please provide details on the procedure for appointing judges, the duration of their mandate, the constitutional or legislative rules governing their irremovability, and the conditions under which judges may be dismissed from office. Please provide information on the number of female judges and prosecutors and the number of judges and prosecutors from religious and ethnic minority communities.

18. According to some reports, the State party is a point of origin and of transit for men, women and children who are victims of trafficking for the purposes of forced labour and sexual exploitation. Please provide information on measures taken to combat human trafficking and to provide appropriate care for the victims. Please indicate what procedures are in place to ensure that trafficked individuals are made aware of their right to seek asylum. Please also provide information on complaints, investigations and prosecutions in such cases and on convictions and penalties handed down by the courts to the perpetrators.

### Article 3

19. Please inform the Committee whether the asylum bill referred to in paragraph 35 of the State party's report has been adopted. If so, please provide the relevant text.

20. In addition to the information on legal guarantees provided in paragraph 39 of the report, please describe the measures taken by the State party during the period covered by its periodic report to ensure that no person is expelled who is in danger of being subjected to torture if returned to a third State. How many immigrants have exercised the right to appeal expulsion decisions, and what is the average length of time between the filing of the appeal and the final decision? Additionally, what procedures are in place to allow the individual to be deported to voice a preference regarding the destination State?

21. Please indicate what measures have been taken to monitor the situation of persons expelled to a third State. Please clarify the scope of article 29 of Act No. 02-03 of 2003 on entry and residence of aliens and the interpretation of the article given in paragraph 36 of the report, which states that it is prohibited to deport individuals to a country, if they can "demonstrate that their life or liberty would be at risk or that they would be subject to inhuman, cruel or degrading treatment". What level of proof is required to show that such a risk exists, and where does the burden of proof lie? What sources of information do the authorities use to determine that a person is at risk of torture abroad?

22. In addition to the information provided in paragraph 38 of the report, please provide examples of cases where the Moroccan authorities did not proceed with the extradition, refoulement or expulsion of an individual for fear that he or she would be tortured. Please indicate what information was used as the basis for such decisions. Please also indicate which countries have made extradition requests to Morocco, if any. Please also indicate whether and to which countries Morocco has made any such requests.

23. In addition to the information provided in paragraph 45 of the report, please provide updated information on steps taken by the State party to ensure: (a) that undocumented foreign nationals and asylum-seekers are properly informed of their rights, including the right to apply for asylum and to have access to free legal aid; (b) that individuals subject to deportation orders are given an adequate period of time to prepare an asylum application and are guaranteed access to interpreters, together with the right to "contact the consulate of their country of origin" and a right of appeal with suspensive effect against any refusal to grant asylum; (c) that individuals can appeal against a deportation order. What number and proportion of asylum-seekers request and receive free legal aid and the assistance of interpreters whose services are paid for by the State? Are interpreters available at every stage of the proceeding and during the asylum-seeker's meeting with legal counsel?

24. Please provide information on detention facilities, conditions and regimes for individuals subject to deportation orders who are held in locations not affiliated to the prison service (para. 41 of the report). Please give examples of the "exceptional circumstances" (paragraph 41 of the report) in which an individual might be held in such a location, if he or she is expelled but unable to leave Morocco immediately.

25. Please provide information on the memorandum of understanding with the Italian authorities, which is mentioned in paragraph 46 of the report, and clarify the responsibilities of each State in that regard.

26. Paragraph 40 of the report explains that aliens may be expelled if "their presence poses a threat to public order, general security or State security". Please provide information on any cases since 2003 where such grounds have been invoked to justify the

expulsion of aliens. Please indicate the country of origin of those aliens, the number of cases, the circumstances, the procedures followed and whether any appeals were filed.<sup>10</sup>

27. Please comment on allegations that the Government of Morocco has cooperated with other Governments in counter-terrorism activities, including in the context of the “war on terror”, by operating unofficial detention facilities, receiving individuals transferred by the security or intelligence forces of other States and facilitating the transfer of such individuals to the custody of other States where they face a risk of torture and ill-treatment.<sup>11</sup> Please indicate in your reply whether any Government agencies or State bodies have conducted any investigations into the matter and, if so, what their findings were. Please comment specifically on allegations by Binyam Mohamed, a British resident, that he was transferred to the custody of Moroccan agents in 2002, held in incommunicado detention at an unknown facility in Morocco and tortured. Please also comment on the case of Ramzi Benalshibh and allegations that he was transferred to and interrogated in Morocco, and then transferred out of the country. Also please comment on the case of Mohamed Gatit, who was reportedly tortured in the Temara detention centre over the course of 18 days in November 2009 after being transferred to the custody of Moroccan officials by Algerian security officials.

28. Please comment on allegations that many aliens, migrants in an irregular situation and asylum-seekers, including pregnant women and children, have been collectively expelled from Morocco, in violation of Moroccan law, without being clearly informed of the expulsion order and without having the possibility of enforcing their rights, including the right to appeal.<sup>12</sup> Please provide information on the reasons for the State’s decision to deport Mr. Kalinichenko, a Russian national, to his country of origin in circumstances where his physical integrity could be in grave jeopardy.

### **Articles 5, 6, 7 and 8**

29. In addition to the information provided in paragraphs 59–62 of the report, please provide details of legislative or other measures adopted in order to give effect to each of the provisions of article 5 of the Convention against Torture. Under the national legislation in force, are acts of torture considered universal crimes? Please provide details on the exemptions under domestic public law that are mentioned in paragraph 59. What are the categories of persons to whom article 10 of the Criminal Code does not apply? Please indicate whether Moroccan law provides for civil and criminal jurisdiction in cases of torture committed outside the territory of the State party, where the perpetrator is present in Moroccan territory, the offence was committed abroad and neither the victim nor the perpetrator is a Moroccan national.

---

<sup>10</sup> See CCPR/CO/82/MAR, para. 13.

<sup>11</sup> See “Joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; the Working Group on Arbitrary Detention represented by its Vice-Chair, Shaheen Sardar Ali; the Working Group on Enforced or Involuntary Disappearances represented by its Chair, Jeremy Sarkin”, A/HRC/13/42, and, in particular, the cases of Mr. Binyam Mohamed and Mr. Abou Elkassim Britel; and the report of the Working Group on Enforced or Involuntary Disappearances on its mission to Morocco, A/HRC/13/31/Add.1, paras. 20–24.

<sup>12</sup> See press release of the Special Rapporteur on the human rights of migrants, dated 15 October 2005, and Amnesty International report, “Spain and Morocco: Failure to protect the rights of migrants – Ceuta and Melilla one year on”, 2006.

30. In addition to the information provided in paragraphs 73–83 of the report, please indicate whether, since 2003, the State party has concluded any new treaties on extradition, including in respect of acts of torture. Please also provide examples of judgements and of cases in which the State party has granted or refused extradition, and identify the other States involved. Lastly, please indicate whether the State party itself has received or submitted any requests for judicial cooperation in connection with criminal proceedings in torture cases.

## Article 10

31. In addition to the information provided in paragraphs 86–88 of the report, please state whether the provisions of the Convention form an integral part of the training provided to law enforcement personnel (police officers, gendarmes, judges, prison personnel, etc.), including the personnel responsible for supervising detainees, minors and committed psychiatric patients and the personnel responsible for the removal of aliens. What training methods (theory or practice-based) are used, and how often is training conducted? Does such training include information on the sanctions and penalties prescribed by Moroccan law for breaching the Convention? Please indicate whether the training is also offered, in line with the Istanbul Protocol, to medical personnel responsible for identifying the physical and psychological signs of torture in persons deprived of liberty and for rehabilitating such persons. If so, please indicate who gives the training and what methodology is used to assess it.

32. Please provide information on the methodology used in, and the findings of, the training review undertaken by the Ministry of the Interior and the Consultative Council (paragraph 86 of the report). Have reforms been implemented based upon these findings?

33. Please describe the impact of the five-year joint project to promote education and professional training in human rights, which is mentioned in paragraph 94 of the report. Provide both quantitative and qualitative information on the project's impact at the national level. Are there plans to continue the project past the deadline for completion, namely, April 2011?

## Article 11

34. In addition to the information provided in paragraphs 98 and 99 of the report, please state whether representatives of local and international non-governmental organizations are permitted to conduct regular, independent, and unannounced visits to places of detention. Please comment on reports that NGOs with a solely human rights-oriented mandate have been refused access to places of detention.

35. With reference to the information provided in paragraph 98 and in annexes 3 and 4 to the State party's report, please provide updated information on the names and locations of the detention facilities visited by the King's Prosecutor; the number of times that each facility was visited during the reporting period; the number of statements taken in the course of such visits during the reporting period; and, in particular, any follow-up actions taken further to these visits. Please indicate how many unannounced visits were conducted by the King's Prosecutor and his deputies and at which locations. Were investigations into alleged cases of torture initiated as a result of any of these visits? If so, did they lead to prosecutions, and what punishments were meted out? Please provide details. Please also provide data on the number of inspection visits carried out by public prosecutors; the number of cases of "inhuman treatment" reported by prosecutors following these visits; the

number of cases that were investigated; the number that led to prosecution; and the outcome of prosecution proceedings.

36. With reference to the special handbook on visits to detention centres prepared by the Consultative Council for Human Rights (paragraph 103 of the report), please provide more information on the contents, the users of the handbook and related training.

37. Please explain and comment on the many recurrent and consistent allegations about the existence of secret places of detention, including at the DST headquarters in Tamara, where torture and ill-treatment are reportedly used during interrogations of suspects. In addition to the Chief Prosecutor of the Rabat Court of Appeal, have local or non-governmental actors had the opportunity to visit this place of detention?<sup>13</sup>

38. Please provide updated information, including statistics disaggregated by sex, age and ethnic origin, on the number of imprisoned persons and the occupancy and capacity rates for all formal and informal detention facilities for the period 2003–2010. Please provide the Committee with updated information on the measures taken by the State party to improve material conditions of detention and on any decisions on specific legislative plans and budget allocations to address this problem in the future. What steps has the State party taken to ensure strict segregation between remand prisoners and convicted prisoners? Please also provide information on the steps taken to ensure that children are detained in separate quarters from adult detainees.

39. With reference to paragraph 173 and annex 7 of the State party's report, please provide statistical data on the number of reported deaths in custody, disaggregated by place of detention, sex, age, ethnicity of the deceased and cause of death, for the period 2006–2011. Please comment in particular on the investigations into the case of 13 inmates of Salé prison who died in custody in 2007 following a hunger strike. Please comment on reports from the Moroccan Observatory of Prisons and NGOs that a significant number of these deaths were due to poor conditions of detention and inadequate health care. Please provide detailed information on the results of the investigations into these deaths, including, in particular, the outcome of prosecution proceedings and the sentences handed down.

40. With reference to annex 4 of the report, what is being done to increase the number of visits to mental institutions and to ensure that torture does not occur in such facilities?

### **Articles 12 and 13**

41. In addition to the information provided in paragraphs 70, 71, 114 and 115 of the report, please provide updated information on the number of investigations into allegations relating to torture, ill-treatment, enforced disappearances or other serious human rights abuses in which public officials are said to have perpetrated or instigated such abuses or assented, explicitly or tacitly, to their commission. Please indicate the number that led to a prosecution, the rank of the perpetrators prosecuted, the location where the offences allegedly occurred and the sentences imposed. With reference to the letter from the Committee's Rapporteur on Follow-up on Communications and Recommendations, please also indicate whether allegations of torture or ill-treatment, if any have been brought, concern acts that reportedly occurred at the time of arrest or thereafter. Please also indicate at what stage the victims were offered access to counsel and the opportunity to have a medical examination. Please also state whether alleged perpetrators of torture or ill-

---

<sup>13</sup> See the Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Morocco, A/HRC/13/31/Add.1, paras. 20–24.

treatment are automatically suspended or transferred during the investigation stage and whether they are allowed to remain in their posts after being subject to disciplinary action.

42. With regard to the information provided in paragraphs 28 and 68 of the report, please indicate the number of times during the reporting period that individuals accused of a crime requested the judiciary to appoint experts to investigate their allegations of torture and the number of such requests that were granted. Please also indicate how many requests made by prosecutors were granted and how many requests came from independent sources or from judges. Please also indicate how many of the investigations that were conducted resulted in an expert determination that torture had occurred and, in each case, whether the authorities subsequently opened a criminal investigation to identify and apprehend those responsible. Please indicate how many individuals were prosecuted, how many convicted, and the sentences imposed.

43. Please provide information on the number and nature of the complaints received by the special unit established within the Ministry of Justice (paragraph 117 of the report) and on the follow-up action taken in that regard. Please comment on the degree of independence that the special unit enjoys within the Ministry, bearing in mind the reference, in the letter dated 10 May 2006 from the Committee's Rapporteur on Follow-Up on Conclusions and Recommendations, to the importance of "an independent public body which is transparent and public in its reporting of findings".

44. With reference to the comments of the Committee's Rapporteur on Follow-Up on Conclusions and Recommendations in her letter of 10 May 2006, please indicate what steps have been taken to ensure that allegations of prison abuse and of police brutality, including alleged acts of torture, during interrogations, are investigated fairly and impartially by an independent public body that is transparent in its reporting of findings.

45. In addition to the information provided in paragraph 118 of the report, please indicate the measures adopted to protect persons (both victims and witnesses) who report public officials for committing violence from intimidation, defamation or possible reprisals.

46. Please comment on allegations that law enforcement bodies and judicial authorities do not always conduct investigations into allegations of ill-treatment in conformity with articles 12 and 13 of the Convention. Please provide information on investigations into allegations concerning the following cases and indicate whether any prosecutions have been initiated and the results thereof:

- (a) The cases of Enaama Afaria, Hayat Rguibi and Nguia El Haouassi;
- (b) The case of Yahya Mohamed El Hafed and seven others, who were allegedly tortured in prison and forced to make confessions that were reportedly accepted as evidence at their trial in 2008 for the murder of a police officer;
- (c) The treatment meted out to a number of students who were arrested and imprisoned for their involvement in the May 2008 demonstrations at Cadi Ayyad University.

47. With reference to paragraph 7 of the State party's report, which states that the Independent Arbitration Committee compensated victims of disappearances and abductions that occurred from 1956 to 1999, please indicate how many claimants were compensated and how many criminal investigations into these human rights violations the State party has initiated on the basis of the testimony received by the Committee. Please indicate the number of these investigations that led to prosecutions, how many resulted in guilty verdicts, and the sentences imposed.

48. With reference to paragraphs 6 and 138 of the State party's report, which state that 10,000 persons identified as victims of serious human rights violations by the Equity and

Reconciliation Commission have received compensation, please indicate how many criminal investigations into these human rights violations have been initiated by the State party on the basis of the reported 3,500 hearings conducted to record testimonies and verify information about the violations. Please indicate the number of these investigations that led to prosecutions, how many resulted in guilty verdicts, and the sentences imposed.

## **Article 14**

49. With reference to paragraph 131 of the State party's report, please provide the Committee with comprehensive statistical data on and examples of remedies and compensation, including rehabilitation assistance, ordered by the civil and criminal courts and actually accorded to the victims of torture or their beneficiaries. Please indicate the number of requests made, the number granted, the amounts awarded and the sums actually disbursed in each case.

50. Please provide information on measures adopted by Morocco to ensure the fullest possible rehabilitation of the victim from the psychological or physical after-effects of torture (paragraph 125 of the report). Please indicate whether the State party makes physical, psychological and social rehabilitation services available to all victims of torture and whether the Government provides financial and/or other support for the effective delivery of such services. With reference to paragraph 139 of the State party's report, please provide information on the status of the implementation of the Equity and Reconciliation Committee's recommendations on psychological and health rehabilitation.

51. With reference to paragraphs 138 and 139 and annex 6 of the State party's report, please provide statistical data on the amounts of compensation awarded and disbursed to individuals recognized as victims of torture, ill-treatment or enforced disappearance by the Equity and Reconciliation Committee, the Independent Arbitration Committee, and/or the CCHR. Please indicate the violation for which compensation was awarded.

## **Article 15**

52. Please comment on numerous allegations that Moroccan law has been infringed in a number of cases, often involving terrorism charges, in that judges have failed to order investigations into defendants' claims about abuses such as unlawful arrest, placement in incommunicado detention for indefinite periods, torture and ill-treatment during interrogation, forced confessions and the use of statements extracted from defendants under torture as evidence in proceedings. Please comment specifically on allegations that, in 2008, 35 individuals, including political leaders Mostapha Mouatassim, Mohamed Amine Regala and Mohamed Merouani, were convicted of engaging in terrorist activity and denied access to a forensic expert, even though they made allegations that their confessions had been obtained through torture. What is the current status of this case?<sup>14</sup> What steps are being taken to curb the discretion of judges in this respect?

53. Please provide details on any prosecutions of persons who used violence to obtain forced confessions. Please include information on the rank and functions of the persons prosecuted, and the sentences, if any, that were imposed.

54. Please provide data on the number of civilians tried by military tribunals during the reporting period. Please indicate whether measures are in place to ensure, in such

---

<sup>14</sup> See letter of the Rapporteur for Follow-up on Conclusions and Recommendations dated 10 May 2006.

proceedings, that civilian detainees have access to independent forensic examinations if they bring allegations about torture or ill-treatment in custody and confessions found to have been extracted through torture are excluded from evidence.

## Article 16

55. Please provide information on the circumstances and the consequences, particularly the judicial consequences, of the violent incidents which took place at the end of 2010, when, among other things, civilians and police officers died during the dismantling of the Gadim Izik protest camp near El-Ayoune. Have any investigations been initiated into the conduct of the Moroccan security forces that dismantled the camp and allegedly committed acts in violation of the Convention, and if so, with what results? Please comment on allegations that the families of the persons arrested and detained were not promptly informed of the whereabouts of their loved ones.

56. Please provide information on the current status of the programme to renovate prisons and to build new institutions and the commission responsible for the administration of prisons and the reintegration of prisoners (mandate, budget, composition, activities and achievements – see paragraph 104 of the report).

57. Bearing in mind the moratorium on the death penalty, please provide information on the number of prisoners sentenced to death, the date of their sentence, the place of detention, whether their sentence has been commuted and the conditions and regime of their detention.<sup>15</sup>

58. Please provide information on the new procedures and alternatives to imprisonment provided for under the Criminal Code, which was in draft form when the periodic report was being prepared (para. 161). Please provide specific data on the number of fines, community work orders and other alternative penalties imposed, and describe how the courts determine whether an individual meets the conditions for the imposition of such alternative punishments.

59. Please provide information on any cases of torture and/or ill-treatment in closed institutions other than prisons and police stations (for example, psychiatric hospitals). Please specify which provisions and practical measures are applied to prevent torture or inhuman treatment from occurring in such places. Please also state what steps have been taken to ensure that treatments such as neuroleptic drugs and electroshock are not used in violation of the Convention?

## Other issues

60. Please indicate what progress has been made with regard to the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was mentioned during the universal periodic review,<sup>16</sup> and the date when the instrument is expected to enter into force in Morocco.

---

<sup>15</sup> See CCPR/CO/82/MAR, paras. 5 and 11.

<sup>16</sup> Recommendation endorsed by Morocco in connection with the universal periodic review, A/HRC/8/2, para. 75.

61. Please state what measures have been taken by Morocco to ensure that its reports to the Committee and the Committee's conclusions and recommendations are disseminated widely through the media, official websites and non-governmental organizations.<sup>17</sup>

---

---

<sup>17</sup> See CAT/C/CR/31/2, para. 7.