



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

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COMMITTEE AGAINST TORTURE  
Thirty-first session  
10-21 November 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture**

**MOROCCO**

1. The Committee considered the third periodic report of Morocco (CAT/C/66/Add.1 and Corr.1), together with the additional oral information submitted by the State party delegation, at its 577th, 580th and 589th meetings (CAT/C/SR.577, 580 and 589), held on 12, 13, and 20 November 2003, and adopted the following conclusions and recommendations.

**A. Introduction**

2. The Committee welcomes the third periodic report of Morocco, which provided it with detailed information on the efforts made by the State party, since the consideration of the second report in 1999, to implement the Convention, and also the information given orally by the Moroccan delegation, which furnished positive information concerning measures to implement the Convention taken since the submission of the third report on 23 March 2003. The Committee thanks the delegation for the frank and constructive dialogue established with it.

3. The third periodic report was submitted slightly late since it had been scheduled for 2002. It was not completely consistent with the general guidelines regarding the form and contents of periodic reports, notably because it did not devote a part to measures taken to comply with the conclusions and recommendations previously addressed to the State party by the Committee.

## **B. Positive aspects**

4. The Committee takes note of the following positive new developments:

(a) The declaration by the State party delegation of the intention of the executive, up to the highest level, and of the legislature, to implement the Convention, which is directly applicable in Morocco, to adopt institutional, normative and educational measures, in consultation with local and international associations, and to develop technical cooperation in the area of human rights with the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations (NGOs). This political will has also been reflected in the release of political prisoners, including a group of 56 who were released in November 2002, and in the compensation of victims;

(b) The broadening of the mandate of the Consultative Council on Human Rights (CCDH); the appointment of a “mediator”, the Diwan al-Madhalim, responsible for considering cases of human rights violations submitted to him and for forwarding to the competent authorities the requisite proposals and recommendations; the establishment of the Mohamed VI Foundation for the reintegration of prisoners, which is presided over by the King himself; the establishment of the Human Rights Documentation, Information and Training Centre; the prison reform, including the adoption of measures to assist persons subjected to any form of detention or imprisonment, notably juveniles in the child protection centres, and the implementation of measures to ensure medical care and training for detainees and prisoners;

(c) The substantial reform of the relevant legislation initiated by the State party, in particular the Code of Criminal Procedure and the draft reform of the Criminal Code, in consultation with CCDH and the competent human rights associations, notably with regard to the presumption of innocence, the right to a fair trial, the right of appeal and consideration of the specific needs of women and juveniles;

(d) The remarkable efforts to develop training and education in the area of human rights, notably the organization by the Human Rights Documentation, Information and Training Centre of training for prison service officials, senior prison medical personnel and forensic physicians;

(e) The unlimited access to detainees and prisoners accorded to independent local NGOs;

(f) The payment of compensation, following the recommendations made by the Independent Arbitration Commission set up within CCDH on compensation for material damage and moral injury suffered by victims of disappearance or arbitrary detention and their next of kin;

(g) The assurance that the State party will act on the recommendations and concerns addressed to it by the Committee.

### **C. Subjects of concern**

5. The Committee expresses concern about:

(a) The non-existence of information on the full implementation of article 2 of the Convention, notably in the cases provided for in paragraphs 2 and 3 relating to exceptional circumstances and an order from a superior officer or a public authority as grounds for excluding criminal responsibility;

(b) The considerable extension of the time limit for police custody, the period during which the risk of torture is greatest, both in criminal law and in anti-terrorist legislation, which has been effected subsequent to the consideration of the second periodic report;

(c) The non-existence, during the period of police custody, of guarantees of rapid and appropriate access by persons in custody to a lawyer and a doctor, and to a relative;

(d) The increase, according to some information, in the number of arrests for political reasons during the period under consideration, the increase in the number of detainees and prisoners in general, including political prisoners, and the increase in the number of allegations of torture and cruel, inhuman or degrading treatment or punishment, allegations implicating the National Surveillance Directorate (DST);

(e) The lack of information about measures taken by the judicial, administrative and other authorities to act on complaints and undertake inquiries, indictments, proceedings and trials in respect of perpetrators of acts of torture, notably in the case of acts of torture verified by the Independent Arbitration Commission for compensation for material damage and moral injury suffered by the victims of disappearance or arbitrary detention and their next of kin;

(f) The application to acts of torture of the prescription period provided for by ordinary law, which would appear to deprive victims of their imprescriptible right to initiate proceedings;

(g) The non-existence of a provision of criminal law prohibiting any statement obtained under torture from being invoked as evidence in any proceedings;

(h) The number of fatalities in prisons;

(i) Prison overcrowding, and the allegations of beatings and violence between prisoners.

### **D. Recommendations**

6. The Committee recommends that the State party:

(a) In the context of the ongoing reform of the Criminal Code, include a definition of torture which is fully consistent with the provisions of articles 1 and 4 of the Convention;

(b) In the context of the ongoing reform of the Criminal Code, clearly prohibit any act of torture, even if perpetrated in exceptional circumstances or in response to an order received from a superior officer or public authority;

(c) Limit the period of police custody to a strict minimum and guarantee the right of persons in police custody to rapid access to a lawyer, a doctor and a relative;

(d) Include in the Code of Criminal Procedure provisions organizing the imprescriptible right of any victim of an act of torture to initiate proceedings against any torturer;

(e) Take all necessary measures to eliminate impunity for public officials responsible for torture and cruel, inhuman or degrading treatment;

(f) Ensure that all allegations of torture or cruel, inhuman or degrading treatment are immediately investigated impartially and thoroughly, especially allegations relating to cases and situations verified by the aforementioned Independent Arbitration Commission and allegations implicating the National Surveillance Directorate in acts of torture, and ensure that appropriate penalties are imposed on those responsible and that equitable compensation is granted to the victims;

(g) Inform the Committee of the outcome of impartial inquiries into all deaths in police custody, detention or prison, in particular deaths alleged to be the result of torture;

(h) In the context of the ongoing reform of the Criminal Code, incorporate a provision prohibiting any statement obtained under torture from being invoked as evidence in any proceedings, in conformity with article 15 of the Convention;

(i) Withdraw the reservation made concerning article 20 and make the declarations provided for in articles 21 and 22 of the Convention;

(j) Devote a part of its next periodic report to measures taken to comply with the conclusions and recommendations addressed to it by the Committee;

(k) Provide in its next periodic report detailed statistics on complaints of acts of torture or other cruel, inhuman or degrading treatment or punishment perpetrated by public officials, and on inquiries, proceedings and criminal and disciplinary sanctions relating to those complaints, disaggregated by offence, age and sex of victim, and position of the perpetrator of the offence. The State party should also provide information on the results of any inspection of any place of detention, the measures taken by the authorities to find solutions to the problems of prison overcrowding, and action taken on allegations of violence between prisoners.

7. The Committee recommends that the present conclusions and recommendations, and the summary records of the meetings at which the State party's third periodic report was considered, should be widely disseminated in the country in the appropriate languages.

8. The Committee requests the State party to provide within one year information on the action it has taken on its recommendations contained in paragraph 6, subparagraphs (c), (f) and (g) above.

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