



*Written Contribution on the occasion of the review
of Morocco's initial report on the implementation
of the International Convention for the Protection
of All Persons from Enforced Disappearance*

*27th session of the Committee on Enforced
Disappearances CED*

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1. This report was prepared by a coalition of the following NGOs : ORCF, APEF Maroc, and RSK MOBADARA, to submit their observations to the Committee on Enforced Disappearances for its 27th session, on the occasion of the review of the initial report of the Kingdom of Morocco regarding the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance.

2. ORCF is a Moroccan NGO that advocates for women's rights against all forms of discrimination; APEF Maroc is a Moroccan NGO that advocates for women's empowerment and economic rights; and RSK MOBADARA is a Moroccan NGO that works on pre- and post-creation youth entrepreneurship.

3. The NGOs in the coalition are involved in monitoring the human rights situation and assessing public policies regarding gender equality and the economic, social, and cultural rights of women and youth. They are submitting a joint contribution alongside the Moroccan government's initial report on the implementation of the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance.

4. These observations follow the publication of the list of issues by the CED and are based on Morocco's initial report.

5. This report was prepared in accordance with the Committee on Enforced Disappearances' (CED) guidelines for drafting NGO reports. It adopted a collaborative approach among the three NGOs in interaction with all relevant civil society stakeholders.

6. We acknowledge that the State Party has delayed the preparation of its initial report and the submission of its other reports to the relevant UN committees monitoring international human rights conventions. Consequently, we request that the Committee on Enforced Disappearances (CED) recommend that the State Party submit its future reports within the specified deadlines.

7. Our coalition of NGOs acknowledges that the State Party's initial report contains repeated information from either the Universal Periodic Review report or the reports already submitted to treaty committees.

8. We also recognise in this report that Morocco has made significant efforts to align its national legislation with international human rights conventions, particularly following the adoption of the 2011¹ Constitution. Morocco has also made significant progress in human rights over the past 30 years.

9. Our coalition of NGOs acknowledges that since the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, no cases of enforced disappearance have been reported or recorded in Morocco.

10. Our coalition notes that the Equity and Reconciliation Commission², within the framework of its mandate, has issued several arbitral decisions

¹<https://mjp.univ-perp.fr/constit/ma2011.htm>
préambule de la constitution marocaine de 2011

²https://ar.wikipedia.org/wiki/%D9%87%D9%8A%D8%A6%D8%A9_%D8%A7%D9%84%D8%A5%D9%86%D8%B5%D8%A7%D9%81_%D9%88%D8%A7%D9%84%D9%85%D8%B5%D8%A7%D9%84%D8%AD%D8%A9

in favour of compensating victims or the families of the deceased. Financial compensation from the State was granted to the relevant cases during the transitional justice process.

11. Our coalition of NGOs believes that it would have been preferable to group the recommendations of the Equity and Reconciliation Commission in a separate section to dedicate another section to conventional practice and the innovations introduced by the 2011 Constitution.

12. Our coalition of NGOs placed great importance on the dialogue conducted by the Ministry of Justice and Freedoms in 2013³, which recommended that Morocco urgently adopt alternative models. Consequently, a revision of the Penal Code was initiated. However, due to political challenges, the legislative process was unfortunately not completed.

13. On the other hand, our coalition of NGOs has observed an increase in pre-trial detention cases in recent years, negatively impacting the judicial process. Although the annual reports of the Prosecutor General's Office have confirmed a decrease in pre-trial detention since 2018⁴ in Morocco.

14. Our coalition of NGOs acknowledges that significant efforts have been made to reduce pre-trial detention, particularly following two

³ <http://primena.org/ar/CASES/29>

⁴ <https://www.pmp.ma/download/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D9%86%D9%8A%D8%A7%D8%A8%D8%A9-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9-%D8%AD%D9%88%D9%84-%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%A7%D9%84-2/>

circulars issued by the Prosecutor General's Office in 2020⁵ and 2021⁶. These circulars urged the prosecutors and various jurisdictions and their substitutes to rationalise the use of pre-trial detention, only resorting to it in cases of extreme necessity.

15. The coalition of NGOs requests the CED Committee to encourage the State Party to adopt alternative models⁷ that do not permanently restrict the freedom of movement and circulation of individuals while preserving their dignity until final decisions are rendered by the competent courts. This approach aims to prevent any cases of enforced detention that may result from the excessive use of pre-trial detention procedures.

16. Our coalition advocates for the integration of advanced technological solutions to enable Morocco to not only modernise its judicial system but also to strengthen human rights protection while increasing the efficiency and transparency of the pre-trial detention process. The introduction of new technologies and artificial intelligence (AI) in this field represents an innovative opportunity to optimise the functioning of the judicial system and ensure greater respect for fundamental rights. Therefore, we propose the use of advanced electronic monitoring devices associated with AI to monitor in real-time the movements of individuals placed under supervised release as an alternative to pre-trial detention. AI could thus

⁵<https://www.pmp.ma/download/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D8%B1%D8%A6%D9%8A%D8%B3-%D8%A7%D9%84%D9%86%D9%8A%D8%A7%D8%A8%D8%A9-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9-%D8%AD%D9%88%D9%84-%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%A7%D9%84-3/>

⁶ <https://www.pmp.ma/%D8%B1%D8%A6%D8%A7%D8%B3%D8%A9-%D8%A7%D9%84%D9%86%D9%8A%D8%A7%D8%A8%D8%A9-%D8%A7%D9%84%D8%B9%D8%A7%D9%85%D8%A9-%D8%AA%D8%B5%D8%AF%D8%B1-%D8%AA%D9%82%D8%B1%D9%8A%D8%B1%D9%87%D8%A7-%D8%A7%D9%84%D8%B3/>

⁷https://www.cndh.ma/sites/default/files/cndh_-_web_code_penal_va.pdf

detect any suspicious behaviour or violation of release conditions, allowing for immediate intervention by the competent authorities.

17. Moreover, we recommend the establishment of a centralised digital platform using AI to track and manage pre-trial detention cases. This platform would provide judges, lawyers, and prosecutors with instant and real-time access to relevant information, facilitating rapid and data-driven decision-making.

18. Additionally, we suggest developing AI-based data analysis tools to examine trends in pre-trial detention decisions, identify anomalies or excessive practices, and propose adjustments to judicial policies. This approach would allow for the rapid detection of abuses or inefficiencies, providing a solid basis for targeted reforms.

19. Finally, we advocate for the establishment of an automated system for generating public reports on the use of pre-trial detention. This AI-powered system would compile and analyse data to regularly publish statistics and analyses. Such a measure would enhance the transparency of the judicial system, providing decision-makers and the public with clear and up-to-date information on pre-trial detention practices.

20. The coalition of NGOs recommends that the Moroccan State strengthen the functioning of the parallel mechanism within the National Human Rights Council dedicated to the prevention of torture, in accordance with Law No. 76.15⁸. This mechanism should not only be responsible for receiving complaints from individuals who have suffered

⁸<https://www.cndh.ma/ar/nsws-mrjy/lzhyr-lshryf-rqm-11817-btnfydh-lqnwn-rqm-7615-lmtlq-bd-tnzym-lmjls-lwtny-lhqwq-lnsn-22>

acts of torture in accordance with the recommendations of the Equity and Reconciliation Commission but also for ensuring proactive monitoring and rigorous and continuous follow-up of detention conditions in prisons.

21. The coalition of NGOs has noted that the State Party has adopted Law 27.14⁹ on human trafficking and has implemented a national program to combat this scourge, as well as a national monitoring mechanism under the Prime Minister. However, it is important to recognise that Morocco has increasingly become a transit and destination country for migrants, requiring measures in line with the International Convention for the Protection of All Persons from Enforced Disappearance. This includes conducting investigations and prosecuting traffickers. The coalition believes that it is crucial to consider enforced disappearance as a crime against humanity and to prioritise the adoption of a national strategy against impunity.

22. The coalition of NGOs requests the Committee to urge the State Party to intensify efforts to preserve the memory of past violations, including by rehabilitating all detention centers associated with enforced disappearances. Furthermore, it is essential to document cases of past violations through the testimonies and accounts of those affected and make this information accessible to the public through all available means of dissemination.

23. The coalition of NGOs notes that the State Party's initial report includes significant data and measures concerning the implementation of the Convention, such as the reform of the legislative framework to align it

⁹ <https://cnclt.justice.gov.ma/%D8%A7%D9%84%D8%A5%D8%B5%D8%AF%D8%A7%D8%B1%D8%A7%D8%AA/>

with its provisions, as well as the diversity of the institutional framework aimed at protecting human rights against serious violations.

24. Moreover, the coalition notes that the report submitted by the State Party incorporates measurable, traceable, and evaluable data concerning transitional justice in Morocco, covering all its stages. The report clarifies the methodology employed by the Equity and Reconciliation Commission as well as the results obtained in addressing cases of past serious violations. It also highlights the State Party's proactive actions in publishing the content of this report, which constitutes a key entry point for the involvement of various civil actors in evaluating the transition of judicial procedures and their impact on the State's public policies.

25. The coalition of NGOs acknowledges that the State Party's report reveals elements such as the documentation of cases of past victims, their places of detention, and the burial of some of them. Although this data is painful, it confirms that Morocco is establishing a comprehensive system aimed at definitively breaking with all practices of ill-treatment, cruel and degrading treatment of human dignity, and ensuring that in the future, perpetrators of such acts will no longer escape justice.

26. The coalition of NGOs submits its contribution to the Committee on Enforced Disappearances, requesting that it share the Moroccan experience in addressing past grave violations as an exemplary model. It also requests the Committee to support the State Party in its efforts to strengthen guarantees of non-repetition and to preserve and consolidate the achievements of transitional justice.

27. Finally, the coalition of NGOs requests that the Committee invite the State Party to integrate the CED Committee's legislative recommendations into the reform of the Penal Code in Morocco.