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REFERENCE: jmn/mm/fg/follow-up/CAT/Morocco

10 May 2006

Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of Morocco by this Committee at its 577th, 580th, and 589th meetings held at its 31st session on 12, 13 and 20 November 2003.

At the end of this session, the Committee's Conclusions and Recommendations were transmitted to your Permanent Mission. In paragraph 8 of the Committee's Conclusions and Recommendations, pursuant to its rules of procedure, the Committee requested that Morocco provide, within one year, information on its responses to the Committee's recommendations which are appended to this letter.

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective. Noting that a reply concerning the information sought by the Committee has been provided (see UN document CAT/C/CR/31/0002/Add. 1, 21 September 2005), I am writing to express very sincere appreciation for your responses on these matters in your full and detailed reply which, together with annexes, amounts to 32 pages.

A significant portion of the information sought by the Committee has been provided by your Government concerning 6 (c), (f) and (g). Following analysis of this information, I would appreciate clarification as to the concerns below, as further clarification is needed and/or sufficient information has not yet been received concerning the implementation of these aspects of the Convention in Morocco.

With regard to the recommendation in paragraph 6(c), we note with interest the requirement that a police officer shall notify the public prosecutor's office and detainee's family as soon as a person is placed in custody. Such notification, if implemented promptly, can be a vital form of protection against "disappearance," as well as torture and ill-treatment. However, further detail is needed on the means by which police and other personnel instruct detainees of their right to obtain rapid access to a lawyer immediately following detention and their right to request and receive examination by a medical doctor whose independence is ensured.

As stated in your Government's reply in paragraph 6, in certain cases, a lawyer may "request a medical examination for his client." Evidently the detainee himself is not able to request a doctor directly. For the Committee to determine if the recommendation has been implemented effectively, I would appreciate if you would forward details regarding actual practice, i.e. whether a formal requirement that requests must be made in writing significantly delays the access to counsel and medical care.

With regard to your Government's reply in paragraph 2 that the preliminary investigation stage is 48 hours, which may be extended 24 hours in cases of serious offences, and up to 96 hours, renewable with the public prosecutor's permission, in cases of national security, the Committee would appreciate receiving information about how much time typically elapses before the public prosecutor and family are notified, or access to lawyers or doctors may be requested and received, within the 48-hour or 96-hour period. Any documentation on the number of cases where such protective assistance has been provided would be useful.

With regard to the concerns expressed in paragraph 6(f) of the Committee's recommendation, regarding immediate and impartial investigation of torture complaints, your Government notes in paragraph 17 of the reply that the Ministry of Justice and the Kingdom's courts "take complaints from persons claiming they were tortured at a police station," and launch investigations.

In light of the Committee's concerns, the Committee notes that in the experience of other state parties cooperating with the Committee, to be credible and effective, any process designed to address allegations of prison abuse, and the performance of police during investigations, including allegations of torture, should be fair and impartial, such as those implemented by an independent public body which is transparent and public in its reporting of findings.

The Committee notes with appreciation the documentation provided about allegations of acts of violence by police in 2003 and 2004. In order to assess compliance with the Convention, the Committee would appreciate further information about whether the allegations of violence took place at the time of arrest or later while in custody, whether and at what stage of investigation access to counsel and medical care was provided, and also the outcome of the cases, as in most of those cases for which information is supplied, investigation was still pending, or there were dismissals or acquittals.

Regarding the concerns expressed in the Committee's recommendations in paragraph 6(g) about impartial investigations into deaths in custody, your Government supplied an extensive annex with a list of the names of persons who died in custody, along with an explanation of the circumstances of death found, and action taken; in most cases, the deaths were reported as due to natural causes or suicide.

The Committee would appreciate receiving any additional report of the outcome of investigations by the prosecutor where they were completed, and where cases of torture were indeed found either in prisoners who died or who survived. The Committee would also appreciate receiving information about what penalties were meted out to those found guilty of torture and what remedies were provided for victims.

Upon receive of this additional information, the Committee will be able to assess whether further information is still needed. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Morocco on the implementation of the Convention, and in this content, to receive additional follow-up on our enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.



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

Conclusions and recommendations of the Committee against Torture

Morocco

(Extracts)

(...)

D. Recommendations

6. The Committee recommends that the State party:

(...)

(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;

(...)

(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;

(...)

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.
