

COMMITTEE AGAINST TORTURE
Forty-seventh session
31 October – 25 November 2011

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

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/MAR/CO/4)

MOROCCO

(...)

C. Principal subjects of concern and recommendations

(...)

Basic legal safeguards

7. The Committee notes that Moroccan law provides a number of basic safeguards for persons taken into custody which are designed to prevent torture. It also takes note of the existence of, among other important proposals, draft legislative amendments aimed at ensuring that a person taken into custody will have access to a lawyer more quickly. The Committee is nonetheless concerned by the restrictions placed on the application of some of those basic legal safeguards, both under existing statutory law and in practice. The Committee is particularly concerned about the fact that, at present, a lawyer may not see his or her client until the first hour after the person's period of detention has been extended, provided that authorization has been obtained from the Crown Prosecutor-General. It is also concerned by the fact that access to the legal aid office is limited to minors and cases in which the possible sentence for a crime exceeds five years. The Committee regrets the lack of information on the practical application of other basic safeguards such as examination by an independent physician and notification of the family (arts. 2 and 11).

The State party should make certain that the bills currently under consideration ensure that all suspects will have the right to enjoy, in practice, the basic safeguards provided for by law, which include their right to have access to counsel at the time of their arrest, to be examined by an independent physician, to contact a relative or friend and to be informed of their rights and the charges against them, and to be brought before a judge without delay. The State party should take the necessary steps to ensure that people have access to their lawyers as soon as they are taken into custody, without any need to obtain prior authorization, and to put in place a system for the provision of effective legal assistance free of charge, particularly in the case of persons at risk or who belong to vulnerable groups.

(...)

“Extraordinary renditions”

11. The Committee takes note of the State party’s statements that it was not involved in any extraordinary renditions undertaken as part of the international fight against terrorism. The Committee nevertheless remains concerned by allegations that Morocco has served as a departure point, a transit country and a destination for blatantly illegal “extraordinary renditions” in such cases as those of Binyam Mohamed, Ramzi bin al-Shib and Mohamed Gaitit. It notes that the incomplete information furnished by the State party on the investigations conducted in that connection is not sufficient to refute those allegations. The Committee is gravely concerned by the allegations that all these “extraordinary renditions” are reported to have been accompanied by incommunicado detention and/or detention in secret places, acts of torture and ill-treatment, particularly during the interrogation of suspects, as well as the return of persons to countries where they may also have been subjected to torture (arts. 2, 3, 5, 11, 12 and 16).

The State party should ensure that no one who is at any time under its control becomes the object of an “extraordinary rendition”. The transfer, refoulement, detention or interrogation of persons under such circumstances is in itself a violation of the Convention. The State party should conduct effective, impartial investigations into any and all cases of “extraordinary rendition” in which it may have played a role and bring to light the facts surrounding such cases. The State party should prosecute and punish those responsible for such renditions.

(...)

Secret arrests and detention in cases involving security concerns

(...)

15. The Committee takes note of the statements made by the State party during the interactive dialogue to the effect that there is no secret detention centre at DST headquarters in Témara, as confirmed by the three visits made by the Crown Prosecutor-General in 2004 and by several representatives of the National Human Rights Commission and Members of Parliament in 2011. However, the Committee regrets the lack of information on the way in which those visits were organized and the methodology used, since, in view of the many continuing allegations concerning the existence of such a secret detention centre, in the absence of such information, it is not possible to lay to rest the suspicion that such a centre may in fact exist. The matter thus continues to be a source of concern for the Committee. The Committee is also concerned by allegations that secret places of detention are also located within certain official detention facilities. According to allegations received by the Committee, these secret detention centres are not monitored or inspected by any independent body. The Committee is concerned at reports that a new secret prison has been built in the vicinity of Ain Aouda, close to the capital city of Rabat, to hold persons suspected of having ties to terrorist movements (arts. 2, 11, 12, 15 and 16).

The State party should ensure that the proper legal procedures are followed in the case of all persons who are arrested and taken into custody and that the basic safeguards provided for by law are applied, such as access for detained persons to legal counsel and to an independent physician, notification of their family of the arrest and of the location where they are being held and their appearance before a judge.

The State party should take steps to ensure that all register entries, transcripts and statements, and all other official records concerning a person's arrest and detention are kept in the most rigorous manner possible and that all information regarding a person's arrest and remand custody is recorded and confirmed by both the investigative police officers and the person concerned. The State party should ensure that prompt, thorough, impartial and effective investigations are conducted into all allegations of arbitrary arrest and detention and should bring those responsible to justice.

The State party should ensure that no one is held in a secret detention facility under its de facto effective control. As often emphasized by the Committee, detaining persons under such conditions constitutes a violation of the Convention. The State party should open a credible, impartial, effective investigation in order to determine if such places of detention exist. All places of detention should be subject to regular monitoring and supervision.

(...)

Training

28. The Committee takes note of the information that it has received regarding the training activities, seminars and courses on human rights that have been organized for justice officials, police officers and prison staff. It is concerned, however, by the lack of targeted training activities for personnel of the National Surveillance Directorate (DST), members of the Armed Forces, and forensic doctors and other medical personnel who deal with persons held in places of detention or patients in psychiatric hospitals and particularly the lack of training in proper methods for detecting the physical and psychological after-effects of torture (art. 10).

The State party should continue to design and reinforce training programmes for all staff — law enforcement officers, members of intelligence services, members of security forces, military personnel, prison staff and medical personnel employed in prisons or psychiatric hospitals — to ensure that they are well acquainted with the provisions of the Convention and that they know that violations of the Convention will not be tolerated and will be investigated and that the persons who commit violations will be prosecuted. In addition, the State party should ensure that all relevant staff, including members of the medical corps, are specifically trained to detect signs of torture and ill-treatment in accordance with the Manual on Effective Investigation and

Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). The State party should also evaluate the effectiveness and impact of such training.

(...)

33. The Committee requests the State party to provide it, before 25 November 2012, with information on the measures undertaken in response to its recommendations on: (1) providing or strengthening legal safeguards for detainees; (2) conducting prompt, impartial and effective inquiries; (3) prosecuting suspects and sentencing those found guilty of torture or ill-treatment; and (4) making the reparations referred to in paragraphs 7, 11, 15 and 28 herein. The Committee also requests the State party to provide it with information on the measures undertaken in response to the recommendations made in paragraph 8 herein regarding the Anti-Terrorism Act.

(...)
