

## MOROCCO

### Follow-up - State Reporting

#### i) Action by Treaty Bodies

CAT, A/60/44 (2005)

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#### CHAPTER IV. FOLLOW-UP ON RECOMMENDATIONS AND OBSERVATIONS ON STATES PARTIES REPORTS

115. At its thirtieth session, in May 2003, the Committee began a routine practice of identifying, at the end of each set of concluding observations, a limited number of recommendations that are of a serious nature and warrant a request for additional information following the dialogue with the State party concerning its periodic report. The Committee identifies conclusions and recommendations regarding the reports of States parties which are serious, can be accomplished in a one-year period, and are protective. The Committee has requested those States parties reviewed since the thirtieth session of the Committee to provide the information sought within one year.

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118. The Rapporteur has welcomed the follow-up information provided by six States parties as of 20 May 2005, when its thirty-fourth session concluded, indicating the commitment of the States parties to an ongoing process of dialogue and cooperation aimed at enhancing compliance with the requirements of the Convention. The documentation received will be given a document number and made public. The Rapporteur has assessed the responses received particularly as to whether all of the items designated by the Committee for follow-up (normally between three and five issues) have been addressed, whether the information provided is responsive, and whether further information is required.

119. With regard to the States parties that have not supplied the information requested, the Rapporteur will write to solicit the outstanding information. The chart below details, as of 20 May 2005, the conclusion of the Committee's thirty-fourth session, the status of follow-up replies to concluding observations since the practice was initiated. As of that date, the replies from seven States parties remained outstanding.

120. As the Committee's mechanism for monitoring follow-up to concluding observations was established in May 2003, this chart describes the results of this procedure from its initiation until the close of the thirty-fourth session in May 2005.

<u>State party</u>	<u>Date due</u>	<u>Date reply received</u>	<u>Further action taken/required</u>
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Morocco	November 2004	22 November 2004	Request further clarification
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**CAT, CAT/C/SR.749 (2006)**

**COMMITTEE AGAINST TORTURE**

Thirty seventh session

**SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 749th MEETING**

Held at the Palais Wilson, Geneva,

on Wednesday, 22 November 2006, at 3 p.m.

**ORGANIZATIONAL AND OTHER MATTERS (continued)**

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11. Ms. GAER, Rapporteur on follow up to conclusions and recommendations, recalled that, in 2003, the Committee had begun a process of identifying conclusions and recommendations that related to serious matters raised by State party reports and required follow up within one year. The intention was to strengthen the purposes of the Convention set forth in the preamble by assisting States parties to bring their legislation and practice more fully into line with it. Since the process had begun, the Committee had requested 25 States parties to provide follow up information, and thus far 17 of them had acceded to that request. She examined the information submitted to assess whether all the issues raised (usually between three and five) had been addressed, and whether further clarifications were required. The information submitted was collated and issued as a public document. States parties that failed to reply were sent reminders. At the beginning of the current session replies from eight States parties had been due; a further seven would be due by the end of the session.

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16. In the case of Morocco, the Committee had recommended that the term of police custody should be kept to a minimum, and that allegations of ill treatment and torture be investigated immediately. It had also enquired as to the outcome of impartial investigations into the high number of deaths in police custody. The State party had provided lengthy replies, but not all the information requested. In response to further questions concerning access to lawyers and doctors during police custody, the State party had said that only lawyers could request medical assistance. Regarding specific allegations of deaths during police custody, she had asked what penalties were imposed on persons found guilty of the offences in question. The State party must be commended for promptly despatching another set of replies, which she had not yet had the opportunity to examine.

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## **CAT, A/61/44 (2006)**

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### **CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

38. In Chapter IV of its annual report for 2004-2005 (A/60/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2005. This chapter updates the Committee's experience to 19 May 2006, the end of its thirty-sixth session.

39. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2006 on the results of the procedure.

40. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment," as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

41. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow-up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow-up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' report under article 19.

42. Since the procedure was established at the thirtieth session in May 2003 through the end of the thirty-sixth session in May 2006, the Committee has reviewed 39 States for which it has identified follow-up recommendations. Of the 19 States parties that were due to have submitted their follow-up reports to the Committee by 1 May 2006, 12 had completed this requirement (Argentina, Azerbaijan, Czech Republic, Colombia, Germany, Greece, Latvia, Lithuania, Morocco, New Zealand, United Kingdom, and Yemen). As of May, seven States had failed to supply follow-up information that had fallen due (Bulgaria, Cambodia, Cameroon, Chile, Croatia, Moldova, Monaco), and each was sent a reminder of the items still outstanding and requesting them to submit information to the Committee.

43. With this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

44. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all of the items designated by the Committee for follow-up (normally between three to six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she writes to solicit the outstanding information.

45. Each letter responds specifically and in detail to the information presented by the State party, which is given a formal United Nations document symbol number.

46. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues not addressed but which are deemed essential in the Committee's ongoing work in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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48. The chart below details, as of 19 May 2006, the end of the Committee's thirty-sixth session, the state of the replies with respect to follow-up.

#### **A. Follow-up reply due before 1 May 2006**

State party	Date due	Date reply received	Document symbol number	Further action taken/required
...				
Morocco	November 2004	22 November 2004	CAT/C/CR/31/2/Add.1	Request further clarification
...				

## **CAT, A/62/44 (2007)**

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### **IV. FOLLOW UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

46. In Chapter IV of its annual report for 2005 2006 (A/61/44), the Committee described the framework that it had developed to provide for follow up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2006. This chapter updates the Committee's experience to 18 May 2007, the end of its thirty eighth session.

47. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2007 on the results of the procedure.

48. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

49. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

50. Since the procedure was established at the thirtieth session in May 2003, through the end of the thirty eighth session in May 2007 the Committee has reviewed 53 States for which it has identified follow up recommendations. Of the 39 States parties that were due to have submitted their follow up reports to the Committee by 18 May 2007, 25 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Germany, Greece, Latvia, Lithuania, Monaco, Morocco, New Zealand, Qatar, Sri Lanka, Switzerland, United Kingdom and Yemen). As of 18 May, 14 States had not yet supplied follow up information that had fallen due (Bulgaria, Bosnia and Herzegovina, Cambodia, Cameroon, Democratic Republic of the Congo, Georgia, Guatemala,

Republic of Korea, Moldova, Nepal, Peru, Togo, Uganda and United States of America). In March 2007, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow up information was due in November 2006, but had not yet been submitted, and who had not previously been sent a reminder.

51. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report (A/61/44). However, only 4 (Austria, Ecuador, Qatar and Sri Lanka) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. While comparatively few States had replied precisely on time, 19 of the 25 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

52. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

53. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she writes to solicit the outstanding information.

54. At its thirty eighth session in May, the Committee decided to make public the Rapporteur's letters to the States parties. These would be assigned a United Nations document symbol number and placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies (these symbol numbers are under consideration) to the follow up and also place them on its website.

55. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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57. The chart below details, as of 18 May 2007, the end of the Committee's thirty eighth session, the state of the replies with respect to follow up.

**Follow up procedure to conclusions and recommendations from May 2003 to May 2007**

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**Thirty first session (November 2003)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Morocco	November 2004	22 November 2004 CAT/C/CR/31/2/Add.1	Request for further clarification
		31 July 2006 CAT/C/MAR/CO/3/Add.2	Response under review
		27 October 2006 CAT/C/MAR/CO/3/Add.3	
...			

**CAT, CAT/C/SR.776 (2007)**

**COMMITTEE AGAINST TORTURE**

Thirty-eighth session

**SUMMARY RECORD OF THE FIRST PART (PUBLIC) OF THE 776th MEETING**

Held at the Palais Wilson, Geneva,  
on Tuesday, 15 May 2007, at 3 p.m.

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**ORGANIZATIONAL AND OTHER MATTERS (agenda item 3)**

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Follow-up to the Committee's conclusions and recommendations on country reports (document without a symbol, distributed in English only)

16. Ms. GAER, Rapporteur on follow-up to conclusions and recommendations, said that since the establishment of the follow-up procedure, 43 States parties had been reviewed, of which 37 had been asked for additional information and 22 had replied, which was a significant proportion. Those which had not replied had received a reminder, and three examples of reminder letters were presented in the document distributed to the Committee...

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17. The other letters, copies of which had been distributed to the Committee, were more substantial and requested additional information from States parties that had replied to an initial follow-up measure but whose replies were unclear, incomplete or not well targeted. On the whole, however, replies received had been fairly specific and in one case, that of Morocco, a further reply had even been received already.

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#### **CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

46. In this chapter, the Committee updates its findings and activities that follow-up on the conclusions and recommendations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on Follow-Up to Country conclusions. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated to through May 2008, following the Committee's fortieth session.

47. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2008.

48. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2008 on the results of the procedure.

49. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

50. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

51. Since the procedure was established at the thirtieth session in May 2003, through the end of the fortieth session in May 2008, the Committee has reviewed 67 States for which it has identified follow-up recommendations. Of the 53 States parties that were due to have submitted

their follow-up reports to the Committee by 16 May 2008, 33 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Bosnia and Herzegovina, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Republic of Korea, Latvia, Lithuania, Monaco, Morocco, Nepal, New Zealand, Qatar, Russian Federation, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen). As of 16 May, 20 States had not yet supplied follow-up information that had fallen due (Bulgaria, Burundi, Cambodia, Cameroon, Democratic Republic of the Congo, Denmark, Guyana, Italy, Japan, Luxembourg, Mexico, Moldova, the Netherlands, Peru, Poland, South Africa, Tajikistan, Togo, Uganda and Ukraine). In March 2008, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow-up information was due in November 2007, but had not yet been submitted, and who had not previously been sent a reminder.

52. The Rapporteur noted that 14 follow-up reports had fallen due since the previous annual report.<sup>3</sup> However, only 2 (Hungary and the Russian Federation) of these 14 States had submitted the follow-up information in a timely manner. Despite this, she expressed the view that the follow-up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow-up to the review of the periodic reports. While comparatively few States had replied precisely on time, 25 of the 33 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non-governmental organizations, many of whom had also encouraged States parties to submit follow-up information in a timely way.

53. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

54. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

55. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

56. Since the recommendations to each State party are crafted to reflect the specific situation

in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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58. The chart below details, as of 16 May 2008, the end of the Committee's fortieth session, the state of the replies with respect to follow-up.

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3/ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44).*

**Follow-up procedure to conclusions and recommendations  
from May 2003 to May 2008**

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**Thirty-first session (November 2003)**

State party	Information due in	Information received	Action taken
...			
Morocco	November 2004	22 November 2004 CAT/C/CR/31/2/Add.1	Request for further clarification
		31 July 2006 CAT/C/MAR/CO/3/Add.2	
		27 October 2006 CAT/C/MAR/CO/3/Add.3	Response under review
...			

...

#### **IV. FOLLOW UP ON CONCLUDING OBSERVATIONS ON STATES PARTIES REPORTS**

53. In this chapter, the Committee updates its findings and activities that follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on follow-up to concluding observations. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated through 15 May 2009, following the Committee's forty-second session.

54. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2009.

55. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2009 on the results of the procedure.

56. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and ill-treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

57. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

58. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-second session in May 2009, the Committee has reviewed 81 States for which it has identified follow up recommendations. Of the 67 States parties that were due to have submitted their follow up reports to the Committee by 15 May 2009, 44 had completed this requirement. As of 15 May 2009, 23 States had not yet supplied follow up information that had fallen due. The

Rapporteur sends reminders requesting the outstanding information to each of the States whose follow up information was due, but had not yet been submitted, and who had not previously been sent a reminder. The status of the follow-up to concluding observations may be found in the web pages of the Committee (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

59. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report. However, only 4 (Algeria, Estonia, Portugal and Uzbekistan) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. One State party (Montenegro) had already submitted information which was due only in November 2009. While comparatively few States had replied precisely on time, 34 of the 44 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

60. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

61. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she requests the outstanding information.

62. At its thirty eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

63. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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65. The chart below details, as of 15 May 2009, the end of the Committee's forty-second session, the state of the replies with respect to follow up.

### **Follow-up procedure to conclusions and recommendations from May 2003 to May 2009**

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#### **Thirty-first session (November 2003)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Morocco	November 2004	22 November 2004 CAT/C/CR/31/2/Add.1	Request for further clarification
		31 July 2006 CAT/C/MAR/CO/3/Add.2	
		27 October 2006 CAT/C/MAR/CO/3/Add.3	Response under review
...			

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**Chapter IV. Follow-up to concluding observations on States parties' reports**

65. In this chapter, the Committee updates its findings and activities that constitute follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the procedure established on follow-up to concluding observations. The follow-up responses by States parties, and the activities of the Rapporteur for follow-up to concluding observations under article 19 of the Convention, including the Rapporteur's views on the results of this procedure, are presented below. This information is updated through 14 May 2010, the end of the Committee's forty-fourth session.

66. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. In that report and each year thereafter, the Committee has presented information on its experience in receiving information on follow-up measures taken by States parties since the initiation of the procedure in May 2003.

67. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. In November 2009 and May 2010, the Rapporteur presented a progress report to the Committee on the results of the procedure.

68. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific measures to prevent acts of torture and ill-treatment. Thereby, the Committee assists States parties in identifying effective legislative, judicial, administrative and other measures to bring their laws and practice into full compliance with the obligations set forth in the Convention.

69. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information within one year. Such follow-up recommendations are identified because they are serious, protective and are considered able to be accomplished within one year. The States parties are asked to provide information within one year on the measures taken to give effect to the follow-up recommendations. In the concluding observations on each State party report, the recommendations requiring follow-up within one year are specifically identified in a paragraph at the end of the concluding observations.

70. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-fourth session in May 2010, the Committee has reviewed 95 reports from States parties for which it has identified follow-up recommendations. It must be noted that periodic reports of Chile, Latvia, Lithuania and New Zealand have been examined twice by the Committee since the establishment of the follow-up procedure. Of the 81 States parties that were due to have submitted their follow-up reports to the Committee by 14 May 2010, 57 had completed this

requirement. As of 14 May 2010, 24 States had not yet supplied follow-up information that had fallen due: Republic of Moldova, Cambodia, Cameroon, Bulgaria, Uganda, Democratic Republic of the Congo, Peru, Togo, Burundi, South Africa, Tajikistan, Luxembourg, Benin, Costa Rica, Indonesia, Zambia, Lithuania (to the 2009 concluding observations), Chad, Chile, Honduras, Israel, New Zealand, Nicaragua and the Philippines.

71. The Rapporteur sends reminders requesting the outstanding information to each of the States for which follow-up information is due, but not yet submitted. The status of the follow-up to concluding observations may be found in the web pages of the Committee at each of the respective sessions. As of 2010, the Committee has established a separate web page for follow-up (<http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>).

72. Of the 24 States parties that did not submit any information under the follow-up procedure as of 14 May 2010, non-respondents came from all world regions. While about one-third had reported for the first time, two-thirds were reporting for a second, third or even fourth time.

73. The Rapporteur expresses appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

74. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties which are posted on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website.

75. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

76. Among the Rapporteur's activities in the past year, have been the following: attending the inter-committee meetings in Geneva where follow-up procedures were discussed with members from other treaty bodies, and it was decided to establish a working group on follow-up; addressing the Committee on the Elimination of Discrimination against Women at its August 2009 meeting in New York concerning aspects of the follow-up procedure; assessing responses

from States parties and preparing follow-up letters to countries as warranted and updating the information collected from the follow-up procedure.

77. Additionally, the Rapporteur initiated a study of the Committee's follow-up procedure, beginning with an examination of the number and nature of topics identified by the Committee in its requests to States parties for follow-up information. She reported to the Committee on some preliminary findings, in November 2009 and later in May 2010, and specifically presented charts showing that the number of topics designated for follow-up has substantially increased since the thirty-fifth session. Of the 87 countries examined as of the forty-third session (November 2009), one to three paragraphs were designated for follow-up for 14 States parties, four or five such topics were designated for 38 States parties, and six or more paragraphs were designated for 35 States parties. The Rapporteur drew this trend to the attention of the members of the Committee and it was agreed in May 2010 that, whenever possible, efforts would henceforth be made to limit the number of follow-up items to a maximum of five paragraphs.

78. The Rapporteur also found that certain topics were more commonly raised as a part of the follow up procedure than others. Specifically, for all State parties reviewed since the follow-up procedure began, the following topics were most frequently designated:

Ensure prompt, impartial and effective investigation(s)	76 per cent
Prosecute and sanction persons responsible for abuses	61 per cent
Guarantee legal safeguards	57 per cent
Enable right to complain and have cases examined	43 per cent
Conduct training, awareness-raising	43 per cent
Ensure interrogation techniques in line with the Convention	39 per cent
Provide redress and rehabilitation	38 per cent
End gender-based violence, ensure protection of women	34 per cent
Ensure monitoring of detention facilities/visit by independent body	32 per cent
Carry out data collection on torture and ill-treatment	30 per cent
Improve condition of detention, including overcrowding	28 per cent

79. In the correspondence with States parties, the Rapporteur has noted recurring concerns which are not fully addressed in the follow-up replies and her concerns (illustrative, not comprehensive) have been included in prior annual reports. To summarize them, she finds there is considerable value in having more precise information being provided, e.g. lists of prisoners, details on deaths in detention and forensic investigations.

80. As a result of numerous exchanges with States parties, the Rapporteur has observed that there is need for more vigorous fact-finding and monitoring in many States parties. In addition, there is often inadequate gathering and analysing of police and criminal justice statistics. When the Committee requests such information, States parties frequently do not provide it. The Rapporteur further considers that conducting prompt, thorough and impartial investigations into allegations of abuse is of great protective value. This is often best undertaken through unannounced inspections by independent bodies. The Committee has received documents, information and complaints about the absence of such monitoring bodies, the failure of such bodies to exercise independence in carrying out their work or to implement recommendations for

improvement.

81. The Rapporteur has also pointed to the importance of States parties providing clear-cut instructions on the absolute prohibition of torture as part of the training of law-enforcement and other relevant personnel. States parties need to provide information on the results of medical examinations and autopsies, and to document signs of torture, especially including sexual violence. States parties also need to instruct personnel on the need to secure and preserve evidence. The Rapporteur has found many lacunae in national statistics, including on penal and disciplinary action against law-enforcement personnel. Accurate record keeping, covering the registration of all procedural steps of detained persons, is essential and requires greater attention. All such measures contribute to safeguard the individual against torture or other forms of ill-treatment, as set forth in the Convention.

82. The chart below details, as of 14 May 2010, the end of the Committee's forty-fourth session, the replies with respect to follow-up. This chart also includes States parties' comments to concluding observations, if any.

#### **Follow-up procedure to concluding observations from May 2003 to May 2010**

...

##### **Thirty-first session (November 2003)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Morocco	November 2004	22 November 2004 CAT/C/CR/31/2/Add.1	Request for further clarifications
		31 July 2006 CAT/C/MAR/CO/3/Add.2	Information under review
		27 October 2006 CAT/C/MAR/CO/3/Add.3	
...			

**Follow-up - State Reporting**  
**ii) Action by State Party**

**CAT CAT/C/CR/31/2/Add. 1 (2004)**

[22 November 2004]

Comments by the Government of Morocco\* to the conclusions and recommendations of the Committee against Torture

**Recommendation (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.**

1. Reply: The police are required to notify the public prosecutor's office and the person's family whenever they place a person in police custody. This requirement is laid down in article 67 of the Code of Criminal Procedure, which reads as follows:

(a) "Every police officer shall make a note in the transcript of any interview conducted with any person in police custody of the date and time of that person's arrest and release or of his referral to the competent magistrate.

(b) "To these details shall be added either the signature or the thumb print of the person in police custody or a note indicating that he refused or was unable to sign or to make a thumb print and explaining the reasons for this.

(c) "The same information shall be registered in the logbook to which reference was made in the preceding article.

(d) "As soon as a person is placed in police custody, the police officer shall use any means of communication to notify the person's family and shall indicate in the police report that this was done. He shall send the public prosecutor's office a daily list of the persons placed in police custody during the previous 24 hours."

2. The period of police custody during the preliminary investigation stage is 48 hours and the public prosecutor's office must be notified in each case. This period may be extended for an additional 24 hours in the event of a flagrante delicto offence. If the matter relates to a preliminary investigation, the period of police custody remains the same; however, where an extension is requested, the person concerned must be presented to the King's public prosecutor or the King's prosecutor, who will examine him and listen to what he has to say. The prosecutor weighs up the arguments presented in the extension application before taking his decision. Article 80 of the Code of Criminal Procedure reads as follows:

(a) "If the matter relates to a serious offence or a lesser offence which is punishable by a term of imprisonment and if a police officer needs to keep a person at his disposal for the purposes of the investigation, the officer may hold the person in police custody for

up to 48 hours with the permission of the public prosecutor's office. He must present the person to the King's prosecutor or the King's public prosecutor before the end of this period.

(b) "The King's prosecutor or the King's public prosecutor, having examined the person presented to him, may give written permission for one extension of the period of police custody for 24 hours.

(c) "In cases of offences against the State's internal or external security, the period of police custody is 96 hours, renewable on one occasion with the written permission of the public prosecutor's office.

(d) "Exceptionally, the above-mentioned permission may be granted pursuant to a reasoned decision issued without the person's being presented to the public prosecutor's office.

(e) "If an extension of the period of police custody is granted, the person in custody is entitled to ask the police to allow him to contact a lawyer. The designated lawyer has the right to interview the person in police custody.

(f) "Such interviews are conducted, with the permission of the public prosecutor's office, beginning from the first hour of the period of the extension of police custody and lasting for up to 30 minutes. Interviews are monitored by the police under conditions which guarantee their confidentiality.

(g) "However, if a problem of distance makes it difficult to obtain permission from the public prosecutor's office, the police may, by way of exception, allow the lawyer to interview the person in police custody, provided that they inform the public prosecutor's office without delay that they have done so.

(h) "Lawyers shall not disclose any information which they obtain during interviews with their clients, before the end of the period of police custody.

(i) "If warranted by the exigencies of the investigation, a representative of the public prosecutor's office may delay an interview between a client and his lawyer, at a police officer's request, whenever the case relates to one of the offences specified in article 108 of this Act.

(j) "During the period of extension of police custody, the lawyer authorized to communicate with the person in police custody may submit documents or written comments to the police or the public prosecutor's office for inclusion in the police report and in exchange for a receipt."

3. Article 66 furthermore stipulates that: "If, for the purposes of an investigation, a police officer needs to keep one or more of the persons referred to in article 65 above at his disposal, he may hold them in police custody for up to 48 hours, beginning from the time of arrest. The

public prosecutor's office shall be duly notified.

4. "Subject to the exigencies of the investigation, the period of police custody may be extended once, for 24 hours, with the written permission of the public prosecutor's office."

5. If, when the accused appears before him, the King's public prosecutor or the King's prosecutor detects signs of violence or torture on the person of the accused, he will send the accused to a medical expert for examination.

6. Article 73, paragraph 2, of the new Code of Criminal Procedure establishes the right of a person accused of a flagrante delicto offence for which no investigation is required to have his lawyer present when he appears before the King's public prosecutor or one of his deputies. The paragraph in question reads as follows: "The chosen or designated lawyer is entitled to attend this examination, to request a medical examination for his client and to have access, on his client's behalf, to documents or written evidence. He may also offer to provide a monetary or personal guarantee in exchange for his client's release, if criminal proceedings are pending. In such cases, the conditions of bail set out in article 74 shall apply."

7. The public prosecutor's office carries out inspections of police stations which have their own cells. Its magistrates talk to inmates, examine them and verify the legality and the conditions of their detention.

8. Investigating judges have the same powers. They can order a medical expert to give the accused a medical examination, either at the request of a third party or if they themselves see signs that warrant such an examination. The accused has his defence lawyer with him whenever he appears before the public prosecutor or the investigating judge.

9. As soon as the public prosecutor's office learns that accused persons have been subjected to violence or arbitrary arrest, it orders an immediate investigation and has the victims examined by a forensic physician in order to determine the nature, cause and the extent of their injuries. The culprits are immediately brought before the judicial authorities as required by law.

(In the annex to this report you will find a table containing information about prosecutions brought against the police for violence or abuse of authority.)

**Recommendation (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.**

10. Reply: Moroccan legislation contains a series of provisions, laws and measures designed to protect the physical integrity and personal liberty of individuals against acts of violence and arbitrary arrests carried out by public officials and public law enforcement officers. Articles 255, 403, 436 and 440 of the Criminal Code prescribe harsh and severe penalties for

such offences.

11. As soon as it receives a complaint from an injured party, the public prosecutor's office orders an investigation and implements the proper procedures, referring the case to an investigating judge who will look into the allegations against the accused, if identified, or against a person or persons unknown. In other cases, the prosecutor's office may institute proceedings against the author of the offence and refer the case to a court for adjudication. The Code of Criminal Procedure grants the injured party the right to lodge a complaint, together with a claim for civil damages, directly to the investigating judge or directly before the president of the court. This is an additional guarantee which the legislature offers to all victims, allowing them to file a suit regardless of the position taken by the prosecuting authorities.

12. The courts have furthermore heard numerous cases against public officials for acts of violence against, or arbitrary detention of, persons; the officials in question were convicted and the victims were compensated.

13. With regard to the allegations contained in reports issued after the allegations have been investigated or in reports produced by government bodies, the public prosecutor's office at the Court of Appeal always publicizes the conclusions reached by the investigating judge so as to throw light on the facts behind such allegations.

**Recommendation (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.**

14. Reply: In accordance with the rules laid down in the Code of Criminal Procedure and special laws and with the terms of ordinances and circulars issued by the Ministry of Justice, the public prosecutor's offices at the various royal courts carry out periodic visits to police stations and royal gendarmerie posts to make sure that the Code of Criminal Procedure is being implemented properly as regards the placement of persons in police custody. A total of 569 visits were made in 2003 and 249 visits had taken place as of August 2004. Whenever evidence of any abuse or arbitrary treatment of a person in police custody is found, an investigation is launched and disciplinary or legal action is taken against the culprit.

15. Where a person in police custody dies as the result of use of violence, a series of measures are taken: the victim's family is notified; a representative of the public prosecutor's office goes to the police station or the royal gendarmerie post where the death occurred and examines the body, looks for any marks, and obtains a detailed description of the place where the death occurred. All his observations are recorded in the preliminary report and the prosecuting authorities order a pathologist, duly licensed by the medical association, to perform an autopsy on the deceased. The police investigate the circumstances surrounding the death and inform the family of the results.

16. If there is any doubt as to the cause of death, the prosecuting authorities order an autopsy or a second autopsy. Depending on the results of the autopsies and the preliminary investigation, the prosecuting authorities will be asked to investigate the author of the offence or,

if that person has not been identified, a person or persons unknown. Anyone implicated in acts of torture or violence that lead to a victim's death will be prosecuted in accordance with the law.

**Investigation of complaints involving allegations of torture and action taken against perpetrators**

17. The Ministry of Justice and all the Kingdom's courts take complaints from persons claiming they were tortured at a police station very seriously. Investigations are launched and complainants are informed of the results. The Criminal Code penalizes any act of violence or wrongdoing that an official may commit against a person during the course of an investigation. In this connection, as soon as the prosecutor's office receives a complaint, it orders an investigation or asks the investigating judge to examine the perpetrators, if known, or to initiate an investigation into persons unknown. (In the annex you will find a list of the names of persons who have died in custody, together with an explanation of the circumstances of their death and of the action taken in each case.)

**Question: Prosecution of security officials implicated in acts of torture committed during the Smara events in November 2001**

18. Reply: The investigation carried out by the public prosecutor at the Al-Aaiun Court of Appeal established that Mohammed al-Rakibi and Mohammed Fadil Alili had petitioned the investigating judge on behalf of 11 accused persons asking for a medical examination of all those persons in order to look for signs of the torture to which they had been subjected during police questioning.

19. The petition asked for a medical examination to determine whether there were any signs of injuries or bruises on the complainants' bodies and to identify the date on which such injuries, if found, had occurred and the type of instrument that had been used to inflict them. After reviewing the petition, the investigating judge rejected it on the grounds that the complainants' allegations referred to a separate offence which was a matter for the prosecuting authorities and not an investigating judge, who can only become involved in a case at the request of the prosecuting authorities or a civil party. In its ruling No. 89 of 24 January 2002, the criminal court upheld the investigating judge's decision at appeal. The complainants appealed against the ruling before the Court of Cassation. On 16 October 2002, the Supreme Council issued a decision declaring the petition to be inadmissible. It should be pointed out that there is a huge difference between a request for a medical examination and a complaint against a person suspected of committing acts which, if proven, will lead to that person's prosecution.

20. The complainants did not lodge any complaint about torture with the prosecutor's office which had competence for investigating the case.

**Question: The law and powers of the National Surveillance Directorate (DST)**

21. Reply: The National Surveillance Directorate coordinates and performs all its functions by collecting and analysing all the information it needs. In terrorism or espionage cases, security officials liaise with the royal gendarmerie to bring in suspects for questioning before

referring them to the courts, which have the final say.

22. In certain circumstances, the police ask the DST to provide them with all the additional information which it has at its disposal about particular cases.

23. With the emergence of new phenomena in the international arena, the DST has adopted new procedures and objectives to meet the challenges which the national security and stability of the country now face. These are all in conformity with the laws in force.

24. The Directorate's rules of procedure, methods of work and functions are no different from those of its counterparts elsewhere in the world. Its headquarters are located in Tamarah City, with branch offices under its direct control. It is responsible for investigating and preventing activities that are instigated, carried out or supported by subversive or terrorist groups and for combating espionage and all forms of foreign interference in domestic affairs.

25. In the framework of counter-terrorism or counter-espionage activities, investigators from the DST and the royal gendarmerie launch inquiries and investigations, overseen by the prosecuting authorities, and bring suspects to justice. There are other DST officials who are not police officers and therefore are not permitted to carry out arrests and searches or to detain and question suspects. However, this does not rule out a collaborative relationship between the DST and the police in the intelligence-gathering domain, such as exists elsewhere in the world.

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\* Annexes to the present report are available with Secretariat