



Security Council

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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Morocco, submitted pursuant to paragraph 6 of resolution 1373 (2001).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council (see annex).

(Signed) Stewart **Eldon**
for Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee



Annex

Note verbale dated 24 December 2001 from the Permanent Mission of Morocco to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Kingdom of Morocco to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, adopted on 28 September 2001, and has the honour to submit to it the report requested in paragraph 6 of the above-mentioned resolution, in accordance with note SG A/20/01 (06) of 29 October 2001.

**Report on the measures taken by the Government of the
Kingdom of Morocco in implementation of Security Council
resolution 1373 (2001), adopted on 28 September 2001,
concerning counter-terrorism**

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I. Introduction

1. The Kingdom of Morocco, faithful to its inviolable and immutable position with regard to terrorism, at the time condemned, firmly and unequivocally, the attacks of 11 September 2001, which plunged the United States into mourning and, with it, the international community as a whole.

His Majesty King Mohammed VI was one of the first heads of State to address a message of condolence and solidarity to the United States President, conveying to him Morocco's sympathy for the victims and their families and its sympathy for the United States Government and the American people.

2. The Kingdom of Morocco, whose Sovereign is the Chairman of the Al-Quds Committee and which is a country of dialogue, moderation and tolerance, a crossroads of cohabitation and peaceful coexistence of the three revealed religions, categorically rejects the linkage and equation that certain milieu, here or there, are trying to allege between terrorist acts and Islam.

The ideals, message and culture of Islam, it must be recalled, proceed basically from peace, love of life and rejection of violence.

It is by drawing inspiration from the teachings of Islam that the various components of Moroccan society, of all political, spiritual and cultural orientations, prayed together in the Cathedral of Rabat on 16 September 2001, thus symbolizing the mutual understanding and peaceful and serene coexistence of the three monotheistic religions in our country.

3. The Government of the Kingdom of Morocco, respecting the primary role of the Security Council in the maintenance of international peace and security and sharing fully in the will and determination of the international community to combat the scourge of terrorism, has taken a series of initiatives to translate into fact the relevant resolutions of the Security Council and, in particular, resolution 1373 (2001) of 28 September 2001.

The measures taken or envisaged have responded, both in their conception and in the modalities for their implementation, to three determining factors: an exigency, an approach and an aim.

4. The exigency is dual:

- Morocco's indefatigable attachment to international legality in accordance with the Constitution of the Kingdom and its international commitments;
- Observance of the precepts and teachings of Islam, the religion of peace, tolerance, brotherhood, the happy medium and, above all, freedom; the religion that rejects violence and extremism and permits everyone to assume fully his own identity, without constraints, and from which emanates a perfect tolerance with regard to other religions and, in particular, the people of the book.

5. The approach is global. It must comprise, in addition to military action, which alone is not enough to eradicate the true causes of the scourge, multiple dimensions: political, diplomatic, economic, financial, humanitarian and informational.

For its implementation, this approach, to be effective, must proceed from a universal vision, which presupposes the fulfilment of a number of conditions, including, in particular:

- A readjustment of the balance of international relations in favour of the most distressed areas of the planet;
 - The adoption by the United Nations of a new legal framework for cooperation among States, adjusted to the exigencies of globalization, adapted to the new challenges that the international community must meet, broadened to accommodate all international actors and reconciling binding obligations relating to the principles of human rights, democracy and freedom with respect for the fundamental attributes of States and the premises of their sovereignty;
 - The elimination of hotbeds of tension in all regions of the world, first and foremost the Middle East, where the defenceless Palestinian people is subjected to all kinds of humiliation, injustice and persecution in the struggle it is waging to uphold its legitimate and inalienable right to an independent State.
6. The aim is to ensure that the various governmental and administrative sectors of the Kingdom that are affected, directly or indirectly, by terrorism, work together, in a flexible and informal framework that transcends the compartmentalization and delays inherent in the specialization of administrative structures.

II. Measures taken or envisaged

Taking into consideration the above facts, the provisions laid down and the measures taken by the Kingdom of Morocco fall into the two following categories:

A. At the international level

The strengthening of international cooperation in the combating of terrorism at all levels and in every area:

7. At the multilateral level, through the activation of procedures for the ratification of all the international legal instruments pertaining, directly or indirectly, to terrorism (cf. annexes 1 and 2).
8. At the bilateral level, through the revitalization of bilateral agreements concluded on legal cooperation and extradition.
9. At the regional level, Morocco cooperates closely with the Arab countries within the framework of the Arab Convention for the Suppression of Terrorism, adopted on 22 April 1998 and ratified by Morocco on 30 August 2001; with the African countries through a number of bilateral agreements; and with the countries of the European Union, both bilaterally and within the framework of the Association Agreement and Barcelona process.

Morocco was also a participant in, inter alia, the meetings listed below, which were held for the purpose of promoting consideration of the range of ways and means to be explored for combating terrorism in the wake of the events of 11 September 2001:

- The extraordinary session of the Organization of the Islamic Conference held on 10 October 2001 at Doha, Qatar;

- The Summit of African Heads of State and Government held from 16 to 18 October 2001 at Dakar, Senegal;
- The Parliamentary Meeting of States members of the Organization of the Islamic Conference held at Rabat, Morocco, on 27 and 28 September 2001;
- The Extraordinary Ministerial Meeting of the Mediterranean Forum held at Agadir on the initiative of His Majesty the King, which focused mainly on terrorism and security in the Mediterranean. It was the first meeting at this level, bringing together European and Arab countries from both sides of the Mediterranean to assess the impact of the events of 11 September on the region;
- The Euro-Mediterranean Conference of Ministers for Foreign Affairs held at Brussels, Belgium, on 5 and 6 November 2001.

B. At the national level

10. The reception in due form of the provisions of resolution 1373 (2001) by the Moroccan legislation and the issuance of regulatory instructions pertaining to the modalities of its implementation to the governmental, administrative, economic and banking sectors affected.

11. The establishment of an inter-ministerial structure for coordination and consultation comprising the governmental sectors affected, with three essential missions:

- To improve and render more flexible the mechanisms for the exchange of information between the various departments affected;
- To evaluate on an ongoing basis the impact and outcome of the measures taken, with a view to adjusting them, if necessary, in the light of international events;
- To ensure follow-up of the implementation of the relevant Security Council resolutions, in particular resolution 1373 (2001).

12. The briefing of the governmental and administrative sectors concerned, directly or indirectly, with the combating of terrorism, by the Ministry of Foreign Affairs and Cooperation, making clear the Kingdom's official position on terrorism and emphasizing Morocco's full support for the counter-terrorism action undertaken by the United Nations.

13. The issuance of a government circular requesting the various ministerial departments to collaborate closely in the exchange and processing of information relating to terrorism and to ensure the full implementation of the international legal instruments ratified by Morocco and pertaining directly or indirectly to terrorism, namely 17 conventions and protocols (cf. annex 1).

14. Signature of the International Convention for the Suppression of the Financing of Terrorism and the advance incorporation of its provisions in the corpus of Moroccan domestic law, pending completion of the procedure for its ratification, which is in its final stage.

15. The dissemination of resolution 1373 (2001) throughout the national banking system, together with a summary list from the Security Council of individuals and entities suspected or accused of terrorism and requesting them:

- To proceed to the necessary checks and investigations with a view to determining whether the aforementioned persons or entities hold accounts in convertible dirhams or in foreign currency on the books of Moroccan banks;
- To prevent any movement of funds intended for terrorist purposes and to proceed, where applicable, to block accounts and freeze assets belonging to accused persons or entities.

16. The strengthening of defence, protection and security measures on the country's frontiers, at ports and airports, by increasing the number of maritime patrols and the staff assigned to the surveillance of border posts.

17. The reform of immigration control by the adoption of a new, speedier and more efficient method for the exchange and processing of information relating to the migratory movements of foreign nationals, particularly those from high-risk regions.

18. The ongoing updating of lists of persons and entities suspected of terrorism and their circulation to frontier posts for the purposes of blocking access to national territory to any person involved, directly or indirectly, in terrorism or linked to international organized crime.

III. Replies to and comments on the questionnaire of the Counter-Terrorism Committee

Paragraph 1

Subparagraph (a) — What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

The measures taken by the Moroccan authorities in this context are as follows:

1. The sending to banks and financial establishments of a letter from the Ministry of the Economy, Finance, Privatization and Tourism transmitting to them the resolutions adopted by the United Nations Security Council and the list of accused individuals and entities and requesting them:

- To carry out the internal checks and the investigations necessary to determine whether the aforementioned individuals or entities hold accounts in dirhams, convertible dirhams or foreign currency on the books of the banks;
- To prevent any movements of funds intended for terrorist purposes;
- To alert the Ministry of the Economy, Finance, Privatization and Tourism of any suspicious movement of funds that is detected in order to enable the authorities concerned to take appropriate steps in their regard.

2. The drafting of a *circular letter from the Exchange Office* instituting the requirement of prior authorization by the Office for the individuals and entities mentioned on the Security Council list in respect of all exchange operations, movements of capital and settlements of any kind between Morocco and foreign

countries. The circular has been disseminated throughout the national banking system, with a request to ensure scrupulous observance of its provisions.

Subparagraph (b) — What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Terrorist acts are punishable under the Moroccan Penal Code as criminal offences under ordinary law. The penalties provided for range from five years' imprisonment to the death penalty. They are dealt with in the following articles of the Penal Code:

- Articles 163 to 207, concerning both “serious and less serious criminal offences against the security of the State” (cf. annex 4);
- Articles 293 to 299, concerning “criminal association and aiding and abetting criminals” (cf. annex 5);
- Articles 392 to 424, which deal with “intentional homicide, poisoning and acts of violence” (cf. annex 6);
- Articles 436 to 441, which deal with “infringements of individual freedom by private persons, hostage-taking and the inviolability of the home” (cf. annex 7);
- Articles 505 to 539, concerning “theft and extortion”;
- Articles 580 to 607, concerning “acts of destruction of and damage to public and private buildings”;
- Articles 607 bis and 607 ter, concerning “the hijacking of aircraft, damage to aircraft and damage to aerial installations” (cf. annex 9).

Furthermore, the Moroccan Penal Code considers as a serious criminal offence “failure to denounce an attack against the security of the State” (articles 209 and 299) and the act of providing “subsidies, means of existence, lodging, a hiding or meeting place” to the perpetrators of serious or less serious criminal offences against the external security of the State (article 196), “hiding or shielding a criminal from arrest or search or helping a criminal to hide or escape” (article 297).

Moroccan law also authorizes the confiscation of assets used for criminal purposes in the event of conviction (article 36) and confiscation as a security measure even if no conviction has been handed down (article 89) (cf. annex 3).

In the same context, the Dahir of 21 May 1974 concerning narcotic drugs and the Dahir of 8 November 1958 concerning the extradition of criminals lay down rules and procedures for confiscation (cf. annex 11).

The Dahir of 2 September 1958 concerning weapons, ammunition and explosives imposes a penalty of up to 20 years' imprisonment on any person who stockpiles, manufactures, imports or markets such weapons in violation of the texts regulating this field (cf. annex 10).

The criminalization of terrorism as such forms a part of the new provisions that the Moroccan legislator is preparing to introduce within the framework of the reform of the Moroccan Penal Code.

Thus, even if Moroccan law does not give a precise definition of terrorism, terrorist acts and acts defined as such by foreign legislations and international legal

instruments are regarded as criminal acts and liable to the most severe penalties, ranging from five years' imprisonment with no remission of sentence to the death penalty.

Subparagraph (c) — What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

The provisions of the present Moroccan Penal Code provide for penalties for acts and deeds of a criminal nature. Similarly, articles 36 and 89 (cf. annex 3) of the Code permit the partial confiscation of assets belonging to convicted persons and the confiscation as a security measure of object and things even if no conviction has been handed down, by order of the competent court.

Subparagraph (d) — What measures exist to prohibit the activities listed in this subparagraph?

The existing measures in this area relate in particular to the circulation to the national banking system of specific instructions aimed at preventing any movements of funds intended for terrorist purposes, while the Moroccan financial system is protected from any suspicious movement of funds or suspicious transaction by reason of the supervision exercised by the Central Bank and the exchange control system, which has a conservative character and confers on the Ministry of Finance and the Exchange Office major control and supervision prerogatives in this area.

Paragraph 2

Subparagraph (a) — What legislation or other measures are in place to give effect to this subparagraph? In particular, what penalties are laid down in your country to prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The penalties laid down by Moroccan law in this context are as follows:

- Articles 293 to 299 (cf. annex 5) of the Penal Code, concerning “criminal association and aiding and abetting criminals”;
- The Dahir of 2 September 1958 concerning weapons, ammunition and explosives, which imposes a penalty of up to 20 years imprisonment on any person who stockpiles, manufactures, imports or markets such weapons in violation of the texts regulating this field (cf. annex 10).

Subparagraph (b) — What other steps being taken to prevent the commission of terrorist acts and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

The measures taken to prevent the commission of terrorist acts are general security measures, in particular those concerning the prevention and combating of terrorism.

With regard to the early warning mechanism to allow exchange of information with other States, it consists of a twofold procedure established by agreement with embassy police attachés. It involves, in particular:

- A normal procedure, based on ordinary correspondence;

- An urgent procedure essentially involving direct contact for the communication of operational information in order to permit immediate action the consequences of which are too important and too serious for the adoption of written procedures.

Subparagraph (c) — What legislation or procedures exist for denying safe haven to terrorist, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It will be helpful if States supplied examples of any relevant action taken.

Moroccan legislation contains provisions permitting the prosecution, judgement, conviction and/or extradition from Morocco of any person found guilty of criminal acts, as defined by the Moroccan Penal Code, in accordance with the applicable rules and procedures.

Subparagraph (d) — What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

The Code of Penal Procedure provides that the courts of the Kingdom are competent to take cognizance of any offence committed in Moroccan territory, whatever the nationality of the offenders.

The commission in Morocco of the principal act gives competence to the courts of the Kingdom, even where some of the constituent elements occurred in a foreign country and whatever the nationality of the co-perpetrators.

The competence of Moroccan courts to pass judgement on the principal act extends to all acts of complicity or concealment, even if committed outside the Kingdom and by aliens (article 748 of the Code of Penal Procedure).

The same applies in the case of criminal offences committed on the high seas on “ships flying the Moroccan flag, whatever the nationality of the offenders” and criminal offences on board foreign aircraft if the offender or the victim is of Moroccan nationality or if the aircraft lands in Morocco following the criminal offence (articles 749 and 750 of the Code of Penal Procedure) (cf. annex 8).

Furthermore, it should be noted that residence cards are issued to aliens for a period limited to one year. On the occasion of each renewal, a background check of each applicant is carried out. If it reveals that the applicant is involved in a terrorist activity, his residence card will not be renewed.

Subparagraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply any examples of any convictions obtained and the sentence given.

The Moroccan Penal Code provides for heavy penalties for criminal offences that can be regarded as terrorist acts. Thus, articles 163 to 207, concerning both serious and less serious criminal offences against the security of the State, articles 392 to 424, concerning serious and less serious criminal offences against persons, articles 436 and 441, concerning attacks on individual freedom and hostage-taking, and articles 607 bis and 607 ter, concerning the hijacking of aircraft, damage to aircraft and damage to aerial installations, impose correctional penalties ranging from two to five years’ imprisonment or criminal penalties ranging from five to

thirty years' imprisonment and possibly extending to life imprisonment or the death penalty, depending on the gravity of the offence committed.

Subparagraph (f) — What procedures and mechanisms are in place to assist other States? Please provide any available details how these have been used in practice.

With regard to international legal cooperation, Moroccan legislation provides for a series of measures aimed at consolidating penal cooperation. Thus, the Code of Penal Procedure, in the chapter on legal relations with foreign authorities, lays down a number of provisions for cases where Conventions with foreign States do not exist or do not cover the issue, particularly in the area of letters of request and extraditions. Furthermore, the Dahir of 8 November 1958 concerning extradition sets up rules and procedures in this area (cf. annex 12). It should be pointed out also that Morocco is linked to a number of countries by conventions on legal cooperation in criminal matters. We may mention by way of example: Algeria, Belgium, Canada, Egypt, France, Gabon, Italy, Libya, Mauritania, Poland, Portugal, Romania, Senegal, Spain, Tunisia, Turkey, the United Arab Emirates and the United States of America.

Subparagraph (g) — How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc.?

Directives have been issued to the police services at the Kingdom's border posts with a view to ensuring the establishment of security systems capable of guaranteeing the prevention of terrorist crimes. They relate, in particular, to:

(a) *Security control applying to persons*

The urgent circulation of preventive and punitive measures issued by judicial and administrative authorities in respect of certain individuals, in particular by:

- Consultation of the files on foreigners to whom access to Morocco is prohibited;
- Blocking access at the border;
- Interception;
- Notification to border posts of transit by any suspicious person.

(b) *Control of documents*

The strengthening of measures for the control of documents for transborder traffic of persons, by sensitizing police services to give particular attention to the control of travel documents, including passports, visas, entry and departure permits, particularly those held by persons from high-risk countries.

These services have also been urged to redouble their vigilance and to employ plainclothes personnel to patrol public areas and embarkation zones with a view to collecting information on travellers, scrutinizing the movements of suspicious-profile individuals and detecting any abandoned baggage.

(c) *Security of installations*

- Deployment of pedestrian and motorized brigades to ensure the impregnability of border posts and their outbuildings and surveillance of key installations;

- Installation of physical partitions strengthened with security cordons to separate “Departure” and “Arrival” zones;
- Searching of the aircraft of airline companies, national and foreign private aircraft and ships and light craft stopping at the Kingdom’s various aerial and maritime ports;
- Control of badges for access to the various border posts for individuals and stickers for vehicles.

(d) *Control of security applicable to property and vehicles*

Consolidation of security control of property and checked baggage by means of X-ray, touch and thorough manual search, supported by the efforts and perspicacity of control agents trained especially for this purpose.

Paragraph 3

Subparagraph (a) — What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

The measures taken to intensify and accelerate the exchange of operational information fall within the framework of the regular relations of cooperation maintained with the liaison officers of embassies accredited to Morocco.

These relations are coordinated by the international cooperation services of the Ministry of the Interior, which receives requests for information and transmits them to the security services, which, after investigations, transmits them back to these services, which immediately communicate the information in question to the requesting party.

Subparagraph (b) — What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

The procedure for the direct transmission of information to the liaison officers mentioned in the preceding paragraph and in paragraph 2 (b) is the speediest and most effective procedure for cooperation in the matter.

Subparagraph (c) — What steps have been taken to cooperate in the areas indicated in this subparagraph?

Morocco, which is anxious to maintain broad cooperation in this area, has paid unceasing attention, through the conclusion of a number of agreements, to defining an adequate and appropriate legal framework for legal cooperation with other countries, in particular with the neighbouring States of the Maghreb and Africa and those of the northern coast of the Mediterranean and with the United States of America.

In this context, the Government of the Kingdom of Morocco has concluded more than 30 conventions with: Algeria, Belgium, Canada, Egypt, France, Gabon, Italy, Libya, Mauritania, Poland, Portugal, Romania, Senegal, Spain, Tunisia, Turkey, United Arab Emirates and United States of America. Other conventions of this kind are being finalized or negotiated with other countries.

The objective of the conclusion of these international legal instruments is to promote Morocco’s legal cooperation with these countries, in particular by the exchange of information and experience in civil and criminal matters and by the

execution of letters of request issued by the judicial authorities of the countries that are parties to these conventions, as well as the consideration of requests for the extradition of criminal offenders.

To this end, it should be pointed out that Morocco has received three letters of request from Germany and the United Kingdom, concerning individuals suspected of being implicated in the events of 11 September, and these are in the process of execution.

Telex

Subparagraph (d) — What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

The Government of the Kingdom of Morocco has taken all the necessary steps for the entry into force of the conventions and protocols relating directly or indirectly to international terrorism. This involves a total of 24 conventions and protocols, 17 of which have been ratified (cf. annex 1), while the procedure for the ratification of 7 (cf. annex 2) is in its final stage and will be completed shortly.

Subparagraph (e) — Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

Morocco has ratified most of the multilateral treaties relating directly or indirectly to terrorism, i.e. in all a total of 17 international legal instruments. They have been incorporated in domestic law, and their provisions have force of law in the national territory. The same applies to all the relevant resolutions of the Security Council aimed at combating international terrorism, in particular resolutions 1267 (1999), 1269 (1999), 1333 (2000), 1368 (2001) and 1373 (2001).

Subparagraph (f) — What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Decree No. 2-57-1256 of 29 August 1957 entrusts the legal and administrative protection of refugees to the "Bureau for Refugees and Stateless Persons", which comes under the authority of the Ministry of Foreign Affairs and Cooperation.

The Bureau grants the status of refugee to any person who is recognized as such by the Office of the United Nations High Commissioner for Refugees and who meets the conditions laid down in the 1951 Convention relating to the Status of Refugees or the 1967 Protocol.

Any applicant for asylum must:

- Make a handwritten request stating the reasons that have prompted him to seek asylum in Morocco;
- Fill out and sign a document setting forth the relevant particulars.

Following these formalities, a thorough background check is carried out by security services. This deals, in particular with the morality, income and legal record of the person concerned. If the result of the check is favourable, the applicant

receives the documents that are usually issued to refugees by the Ministry of Foreign Affairs by administrative decisions.

Refugee status is granted for a period limited to two years. The applicant is the subject of a background check on the occasion of each application for renewal. Consequently, if a political refugee is charged with terrorism, he will lose his refugee status and be subjected to legal prosecution like any other resident in the national territory.

Subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing request for the extradition of alleged terrorists. Please supply examples of any relevant cases.

The thorough investigations carried out by the competent departments before any granting or renewal of refugee status constitute a preventive and precautionary procedure designed to prevent the abuse of such status for terrorist purposes.

Furthermore, Moroccan legislation regulating the right of asylum does not permit a political refugee who has been admitted to Morocco to engage in political activity or, a fortiori, in any terrorist activity.

In other terms, any person who contravenes the rules for residence in the Kingdom may be expelled by judicial or administrative decision. Refugee status does not confer jurisdictional immunity and could in no way exempt him from judicial prosecution for acts of terrorism committed in Morocco or abroad.