United Nations S/2004/826

Security Council

Distr.: General
20 October 2004

Original: English

Letter dated 13 October 2004 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

I write with reference to my predecessor's letter of 16 July 2004 (S/2004/579). The Counter-Terrorism Committee has received the attached fourth report from Morocco submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: French]

Note verbale dated 13 October 2004 from the Permanent Mission of Morocco to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Kingdom of Morocco to the United Nations presents its compliments to the Chairman of the Committee and has the honour to transmit herewith the fourth report of the Kingdom of Morocco on the implementation of Security Council resolution 1373 (2001) (see enclosure).

Enclosure

[Original: French]

Supplementary report of the Kingdom of Morocco to the Security Council Committee established pursuant to resolution 1373 (2001)

Introduction

I. In submitting to the Counter-Terrorism Committee this supplementary report on the implementation of Security Council resolution 1373 (2001), the Kingdom of Morocco wishes to reiterate its principled position of strongest condemnation of all forms of terrorism, regardless of their origin, nature or cause. The Kingdom of Morocco remains determined resolutely to combat all terrorist movements that exploit religion for political purposes. Morocco is using all means available at the domestic, regional and international levels to thwart terrorism and to prevent attacks on its interests, or those of other countries, being planned, financed or perpetrated from its territory.

II. Morocco was deeply affected by terrorism on the occasion of the attacks at Casablanca on 16 May 2003, and is well aware of the scope of the challenge posed by this scourge. After taking the necessary action to guarantee by law respect for State authority and the dignity of its people, Morocco has embarked on a long-term campaign to strengthen its process of political and democratic development, which was the real target of the criminal attacks against it.

III. Far from being isolated examples, Morocco's counter-terrorism activities are part of a wide-ranging and ongoing mobilization that will transcend the narrow, albeit necessary, framework of preventive and security measures. In this connection, Morocco is pursuing a comprehensive, integrated and proactive strategy aimed at eliminating festering fanaticism and uprooting terrorism. Morocco remains firmly committed to the pursuit of all policies necessary to achieve the objectives of this strategy, which have three main components:

i. **Strengthening of the process of democratic and political development**. Morocco has endeavoured to make this process final and irreversible. The far-reaching reform of electoral law, which began in 2002, facilitated the holding of local and legislative elections, which were declared to be indisputably fair by international and national observers. In addition, Morocco has continued to reform the regulatory framework governing public life, in order to encourage civic initiative and to broaden the participation of civil society in the social and economic life of the country, particularly by lowering the voting age (18 years), overhauling the Press Code and revising the law on association and public assembly. A new law on political parties will shortly complement these measures.

ii. **Acceleration of the in-depth educational, religious and cultural reform**. Morocco takes a special interest in this area of work because of its central role in the formation of a responsible and active citizenry and in the preservation of the authenticity of the Moroccan national identity, which has always been characterized by openness and tolerance.

a. **In the area of education**, the decade 2000-2010 was declared the "National Decade for Education and Training". The main focus for Morocco in this area includes, for example, literacy, universal basic education, curriculum reform, upgrading of human resources and governance of the educational system.

b. Morocco has also chosen to **liberalize the audio-visual sector** by abolishing the State monopoly of it, in order to provide better conditions

for the opening and modernization of the country. An autonomous and independent body — the **High Authority for Audiovisual Communication** — was established to oversee the legality and integrity of practices in the audio-visual field.

c. Similarly, the promotion of the Arabic language in education, the mastery of foreign languages and promotion of local cultures, such as the **Amazigh** (Berber) culture, are some of the steps being taken to make **the Moroccan identity truly multicultural**.

d. **Major reforms have been carried out with respect to religious activity**, in an effort to protect Morocco from any stirrings of extremism and terrorism. Accordingly, following the statement delivered by Emir el Muminin (Commander of the Faithful), His Majesty King Mohammed VI on 30 April 2004, Morocco began to restructure its religious bodies, the Ministry of Islamic Affairs and the League of Ulema, and to promote an interpretation of religious texts encouraging tolerance and progress. In this regard, the new Family Code is an instructive and specific example of this approach.

iii. **Greater efforts to combat exclusion and marginalization**. Alongside the steady expansion of civil liberties, several new reforms confirm the firm resolve of the Kingdom of Morocco to combat social exclusion and insecurity more effectively. The specific measures taken include reform of the judicial system and strengthening of the judiciary, adoption of a new Family Code (protecting the rights of women and children as a matter of priority), adoption of a new Labour Code, establishment of a truth and reconciliation commission and a *Diwan al-Madalim* (mediator or ombudsman), elaboration of a new land use plan, pursuit of a bold housing policy, improvement of the investment climate and encouragement of the trend towards a more open domestic economy.

IV. In sum, the ultimate goal of Morocco's counter-terrorism strategy is to strengthen the national social fabric and protect it from all forms of radicalism and fanaticism impervious to otherness and modernity. The Kingdom of Morocco has therefore adopted a multidimensional proactive and reactive approach, combining suppression, through all-round mobilization of the security and justice apparatus, and prevention, through political, economic, social, cultural, educational, religious and other reforms.

V. Within the intermediate goals of this strategy, that fit perfectly into the comprehensive reform process launched five years ago, the **political and institutional** thrust promotes citizen action within a democratic framework under the rule of law. The **economic** and **social** objectives are to combat vulnerability and exclusion and to mobilize forces for development and solidarity. Lastly, the **cultural, educational, religious** and **media** campaigns will seek to instil the virtues of openness to otherness and modernity in the people of Morocco, and inspire them to adopt the principles of moderation and tolerance. **The active and responsible citizens created by these measures are the civic corollary of the results produced by law enforcement mechanisms directly focused on combating terrorism and related offences.**

VI. **These arrangements** are supported by a large body of legislation which predates 2001 and which was adapted, strengthened and enhanced in accordance with the relevant Security Council resolutions. They attempt to reconcile the necessary guarantee of respect for State authority and the security of property and persons with considerations pertaining to the primacy of the rule of law and respect for human rights. This is all done in conformity with the Charter of the United Nations and the commitments made under international counter-terrorism legal instruments and the relevant rules of international law.

VII. Reflecting the nature of their target, **the arrangements established for the suppression of terrorism-related offences in Morocco are varied and complex**. In addition to the relevant rules of Moroccan law (Criminal Code, Code of Criminal Procedure, code on civil liberties, business law, and so on), there are specific laws, some of which contain provisions that overrule ordinary law.

i. For example, **Act 3-03 on combating terrorism** (published in No. 5112 of the Official Bulletin of the Kingdom of Morocco, dated 29 May 2003) amends and supplements the general Criminal Code, mainly by increasing the applicable penalties for offences committed through terrorist activity, and establishing special procedures aimed at facilitating the task of the judicial authorities at the stages of investigation and instruction, and enforcement of a judicial decision.

ii. Although it overrides ordinary law, as is justified by the seriousness of terrorist acts, this Act provides no exemption from mandatory respect for the rights of the defence. Indeed, its implementation was accompanied by a **revision of the Code of Criminal Procedure** to strengthen the safeguards necessary to protect human rights and dignity. In particular, it limited the duration of police custody to 48 hours, enforced the obligation to inform family members, provided for the possibility of medical attention, required a lawyer to be present during interrogations and limited the period of pre-trial detention.

iii. Being aware of the need to combat clandestine immigration as an additional measure of support to the global struggle against terrorism, Morocco enacted **Act 02-03 on the entry and stay of foreigners in the Kingdom of Morocco and illegal emigration and immigration** on 11 November 2003. The implementation of this Act involved the establishment of a *National Observatory on Migration* and a *Department of Migration and Border Monitoring* under the Ministry of the Interior.

iv. Furthermore, following Act 03-03 on combating terrorism, which already contains a number of measures to prevent the financing of terrorism (see third report of the Kingdom of Morocco to the Counter-Terrorism Committee, page 3 *et seq.*), an inter-ministerial commission of experts completed a draft **law on money-laundering that also governs measures to combat the financing of terrorism**. This text, based on the 40 recommendations of the Financial Action Task Force on Money Laundering (FATF) on money-laundering and its 8 special recommendations on the financing of terrorism, is currently in the final stage before adoption and will be implemented in the near future.

v. Under this new law a **financial intelligence unit** will be set up to centralize the financial aspect of counter-terrorism activities, chiefly by the

prevention and suppression of the financing of terrorism. This unit will strengthen the **operational mechanism represented by the security and justice agencies**, between which the Moroccan Government strives to maintain optimal cooperation. This cooperation involves not only the agencies directly responsible for counter-terrorism activity, but also those responsible for the suppression of offences and trafficking of all kinds.

vi. An **inter-ministerial body has been set up to coordinate counter-terrorism activities. Its main responsibility is to streamline arrangements for the exchange of information between various departments; to adapt measures taken to the international situation; and to ensure the implementation of the United Nations Security Council resolutions concerning the fight against terrorism, in particular resolution 1373 (2001).**

vii. In the same vein, Morocco seeks to maintain **effective cooperation between its law enforcement agencies and those of partner and friendly countries**. Accordingly, it is an active participant in international cooperation against terrorism, both among security agencies and within the competent international organizations involved in the fight against terrorism and transnational organized crime.

VIII. At the international level, Morocco's involvement in counter-terrorism reflects its full commitment to the efforts made by the international community to combat this scourge, under the auspices of the United Nations.

i. Morocco has practically completed the procedure for the ratification of all international conventions directly or indirectly related to counter-terrorism. The following list indicates Morocco's status regarding these legal instruments:

a. **International conventions directly related to terrorism**:

– Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.

Morocco acceded to this Convention on 24 September 1975.

– Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970.

Morocco acceded to this Convention on 24 October 1975.

– Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.

Morocco acceded to this Convention on 24 October 1975.

– Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

Morocco acceded to this Convention on 19 March 1999.

– Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988.

Morocco ratified this Convention by Dahir No. 4-95-41 of 13 November 2001.

– Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973.

Morocco acceded to this Convention on 9 January 2002.

– Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.

Morocco ratified this Convention by Dahir No. 4-93-38 of 13 November 2001.

– Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.

Morocco ratified this Convention by Dahir No. 4-93-38 of 13 November 2001.

– Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980.

Morocco ratified this Convention by Dahir No. 4-91-3 of 23 July 2002.

– International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on 9 December 1999.

Morocco ratified this Convention by Dahir No. 4-02-2 of 23 July 2002.

– International Convention against the Taking of Hostages, adopted in New York on 17 December 1979.

The procedure for acceding to this Convention is in its final stage. Adopted by the Council of Ministers on 3 June 2004 and shortly to be submitted for approval by Parliament.

– International Convention for the Suppression of Terrorist Bombings, adopted in New York on 15 December 1997.

The procedure for acceding to this Convention is in its final stage. Adopted by the Council of Ministers on 3 June 2004 and shortly to be submitted for approval by Parliament.

b. **International conventions indirectly related to terrorism**:

– International Opium Convention, signed at Geneva on 12 February 1925.

Morocco sent notification of its succession to this Convention on 7 November 1956.

– Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931.

Morocco sent notification of its succession to this Convention on 7 November 1956.

– Protocol amending the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at New York on 11 December 1946.

Morocco sent notification of its succession to this Convention on 7 November 1956.

– Protocol Bringing under International Control Drugs Outside the Scope of the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at New York on 11 December 1946.

Morocco sent notification of its succession to this Convention on 7 November 1956.

– 1961 Single Convention on Narcotic Drugs.

Morocco acceded to this Convention on 22 October 1966.

– Convention on Psychotropic Substances, signed at Vienna on 21 February 1971.

Morocco acceded to this Convention on 7 November 1979.

– United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Morocco ratified this Convention on 9 October 1992.

– Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993.

Morocco acceded to this Convention on 28 December 1995.

– Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, done at Geneva on 10 October 1980.

Morocco ratified this Convention on 10 April 2001.

– Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done on 2 May 1972.

Morocco ratified this Convention on 29 January 2002.

– 1972 Protocol Amending the 1961 Single Convention on Narcotic Drugs.

Morocco ratified this Protocol on 29 January 2002.

– United Nations Convention against Transnational Organized Crime, done in New York on 15 November 2000.

Morocco ratified this Convention on 23 July 2002.

ii. Moreover, out of respect for the eminent role of the Security Council in international peacekeeping and security and fully sharing the determination of the international community in its combined efforts to combat terrorism, Morocco totally subscribes to the Security Council resolutions aimed at eradicating terrorism. In that spirit, and in accordance with the provisions of the United Nations Charter and of international law, it is currently engaged in implementing the following relevant Security Council resolutions:

– Resolution 1267 (1999) of 15 October 1999;

– Resolution 1333 (2000) of 19 December 2000;

– Resolution 1363 (2001) of 30 July 2001;

– Resolution 1373 (2001) of 28 September 2001;

– Resolution 1390 (2002) of 16 January 2002;

– Resolution 1452 (2002) of 20 December 2002;

– Resolution 1455 (2003) of 17 January 2003;

– Resolution 1526 (2004) of 30 January 2004; and

– Resolution 1530 (2004) of 11 March 2004.

Since the submission of its third report to the Counter-Terrorism Committee (S/2003/1173 of 15 December 2003), Morocco has therefore worked at the national, regional and international levels to eliminate terrorism through a proactive and multidimensional approach, aimed at eliminating festering radicalism and preventing the planning, financing and commission of terrorist attacks from its national territory or through the region.

IX. In fact, Morocco's commitment in the global fight against terrorism is guided by its firm conviction that action against this scourge must be synergetic and should encompass all facets of activity: security and legal, but also political, economic, social and cultural. There should also be mutual support among national, regional and international bodies, among which the conditions for effective complementarity must be established within the framework of respect for the rule of law, the sovereignty of States and their respective political and socio-cultural systems. This is the philosophy underlying the counter-terrorism policy pursued by the Kingdom of Morocco.

* * *

In concluding this summary of Morocco's counter-terrorism policy and the measures it has adopted or planned in this area, the Kingdom of Morocco is pleased to respond to the questions posed by the United Nations Security Council Counter-Terrorism Committee, in implementation of the terms of resolution 1373 (2001) of 28 September 2001.

1. Implementation measures

Criminalization of terrorist acts and their financing

1.1. Effective implementation of subparagraph 1 (a) of the resolution requires States to impose a legal obligation on all professions engaged in financial transactions and other intermediaries such as lawyers, estate agents and accountants, when involved in brokering activities, to report unusual or suspicious transactions to the competent authorities. Morocco reported in its third report (at page 4) that it plans to require people working in these professions, in addition to those working in banking and financial institutions, to submit suspicious-transaction reports. The CTC would appreciate receiving a progress report on the mechanism that would extend the reporting obligation to all professions involved in financial transactions.

The draft bill on money-laundering, which is currently in the final stages of the adoption process, provides as a preventive measure for the establishment of a *system for reporting suspicions* relating to any sums of money or transactions suspected of being linked to money-laundering or the financing of terrorism. According to article 10 of this bill, the following physical persons and/or legal entities are among those required to report suspicions:

– Banking institutions;

– Notaries, lawyers, trustees and legal advisers;

– Estate agents;

– Auditors;

– Persons operating or managing casinos or other gambling establishments;

– Money-transmission agencies;

– Estate counselling and management companies; and

– Financial consultants.

1.2. The CTC would also appreciate receiving progress reports on:

1.2.1. The enactment of a draft bill on combating money-laundering and the financing of terrorism.

Pursuant to the relevant provisions of the international conventions on combating terrorism and the financing of terrorism and the 40 recommendations of the Financial Action Task Force (FATF) on combating money-laundering and its eight special recommendations on combating the financing of terrorism, **a bill on combating money-laundering was finalized** by a governmental commission and transmitted to the General Secretariat for Government Affairs (final stage of the drafting process). This bill will be submitted shortly for final approval by the Government (Council of the Government and Council of Ministers) before being approved by Parliament.

Pending the entry into force of this piece of legislation, drawn up in close collaboration with the professional organizations concerned, the Central Bank of Morocco established, by Governor's Circular No. 36/G/2003 of 24 December 2003, the minimum rules which lending institutions are required to adopt pursuant to their

duty of vigilance with regard to their clients. This Circular makes it mandatory for such institutions to introduce the necessary procedures to enable them inter alia to:

– Identify their clients and acquire more detailed knowledge about them;

– Ensure the monitoring and surveillance of certain accounts or transactions involving a high degree of risk;

– Maintain and update, for a minimum period of 10 years, records of their clients and the transactions which they carry out.

1.2.2. The implementation in domestic law of the International Convention for the Suppression of the Financing of Terrorism, in particular articles 5, 8 and 18.

Morocco is a party to the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on 9 December 1999. It ratified this Convention by Dahir No. 4.02.2 of 23 July 2002.

– **Article 5 of the Convention** commits each State party, in accordance with its domestic legal principles, to take the necessary measures to enable a legal entity located within its jurisdiction to be held liable when a person responsible for the management or control of that legal entity has, in that capacity, committed an offence set forth in article 2, without prejudice to the criminal liability of individuals having committed the offences.

In accordance with these provisions, article 218-4 of Morocco's Criminal Code sets out the criminal and civil liability of legal entities. Such entities are liable to monetary penalties ranging from 1 to 5 million dirhams, without prejudice to the sentences which may be imposed on their managers or agents implicated in the offences. These penalties are doubled in the event of aggravating circumstances. They also entail the confiscation of all or part of the property of convicted entities or persons.

Furthermore, pursuant to Act 03-03 on combating terrorism, terrorist acts are subject to particularly severe penalties, **which are doubled when the offences involve the use of facilities available as a result of the exercise of a professional activity**, when an offence is repeated, or when an offence is committed by an organized gang.

– **Article 8 of the International Convention for the Suppression of the Financing of Terrorism states:**

"1. Each State Party shall take appropriate measures, in accordance with its domestic legal principles, for the identification, detection and freezing or seizure of any funds used or allocated for the purpose of committing the offences set forth in article 2 as well as the proceeds derived from such offences, for purposes of possible forfeiture.

"2. Each State Party shall take appropriate measures, in accordance with its domestic legal principles, for the forfeiture of funds used or allocated for the purpose of committing the offences set forth in article 2 and the proceeds derived from such offences.

"3. Each State Party concerned may give consideration to concluding agreements on the sharing with other States Parties, on a regular or case-by-case basis, of the funds derived from the forfeitures referred to in this article.

"4. Each State Party shall consider establishing mechanisms whereby the funds derived from the forfeitures referred to in this article are utilized to compensate the victims of offences referred to in article 2, paragraph 1, subparagraph (a) or (b), or their families.

"5. The provisions of this article shall be implemented without prejudice to the rights of third parties acting in good faith".

In conformity with these provisions, article 595-2 of Morocco's Code of Criminal Procedure confers on the judicial authorities the power to order the freezing or seizure of funds suspected of being connected with the financing of terrorism. The assistance of Bank Al-Mahgrib (the Central Bank of Morocco) may be requested for the purposes of implementation of these measures. The Government may even, at the request of a foreign State and pursuant to the relevant international instruments, submit a case to His Majesty's Procurator-General in the Court of Appeal of Rabat (the capital) with a view to the issue of an order for the freezing, seizure or confiscation of any property, provided that certain legal requirements are met. These measures are applicable not only to property used or intended to be used in the commission of a terrorist offence but also to the proceeds derived from such property and to any obligation to pay a sum of money corresponding to the value of the property in question.

Pursuant to articles 595-6, 595-7 and 595-8 of the Code of Criminal Procedure, confiscation has the effect of transferring ownership of the property in question to the Moroccan State, subject to any agreement to the contrary with the requesting State, to the application of an international convention or to the principle of reciprocity.

– **In accordance with the provisions of article 18 of the International Convention for the Suppression of the Financing of Terrorism**, Morocco has made important changes in its domestic legislation and regulations in order to prevent and counter preparations in its territory for the commission of offences within or outside its territory.

In general terms, the suppression measures established under Act 03-03 on combating terrorism — supplemented by the money-laundering bill (nearing the end of the adoption process) — are designed to punish all unlawful acts connected with a terrorist enterprise; it should be noted that the definition of terrorism used in these instruments covers most of the offences mentioned in article 2 of the International Convention.

For example, the money-laundering bill, which also covers the financing of terrorism, includes money-laundering among the offences against property characterized as crimes in Morocco's criminal law. To this end, the text distinguishes between two types of offence — simple laundering and aggravated laundering — punishable by heavy fines and deprivation of liberty, in particular when the laundering is aggravated by circumstances involving inter alia professional or habitual money-laundering transactions, the organization of criminal gangs (especially terrorist gangs), or repeat offences. It should be noted that this text provides for the punishment of attempts to commit these offences on the same footing as their commission.

The bill also provides for a *financial intelligence unit,* whose composition and operating methods will be established shortly by decree. This unit's mandate

will include the collection and examination of statements made by persons subject to the legislation concerning any sum of money or transaction suspected of being linked to money-laundering; it will also decide how to handle the cases referred to it.

The text authorizes His Majesty's Procurator and examining magistrates to order, at the instruction stage, **the freezing or seizure of property belonging to persons or organizations implicated in money-laundering offences, even when such offences are not committed within Moroccan territory.**

It imposes on persons subject to the legislation, in particular persons authorized to open accounts, the obligation of establishing internal arrangements for identifying, monitoring and detecting suspicious transactions. These persons are required inter alia to obtain all the particulars needed for the identification of their usual or occasional clients. They have to keep on file for 10 years documents relating to their clients' transactions and to their identity.

The entry into force of this instrument in the very near future will further strengthen the already considerable legal arsenal available to Morocco before 2001. For example, **article 218-8 of the Criminal Code requires all persons to report any project or act which could lead to the commission of a terrorist offence, under pain of severe criminal penalties.** This provision would logically apply to the financing of terrorism.

Furthermore, **article 295-1 of the Code of Criminal Procedure** authorizes the competent judicial authorities to request banking institutions to transmit to them any relevant information on transactions or movements of funds suspected of being connected with the financing of terrorism.

Moroccan law also prohibits anonymous accounts and requires banking institutions, before an account is opened, to obtain all the particulars needed for identifying applicants, whether legal entities or physical persons.

Lending institutions are also subject to the obligation to identify not only their clients but also the beneficiaries of financial operations transacted under the institutions' auspices. This obligation is established in article 488 of Act 15-95 (Commercial Code) and in article 10 of Act 58-90 of 26 February 1992 on offshore financial centres. The establishment of a system for reporting suspicions is provided for in the money-laundering bill, and its application will be extended to the fight against the financing of terrorism.

1.2.3. The implementation in domestic law of the other international conventions and protocols relating to terrorism to which Morocco has become a party, as well as its intention to become a party to those international conventions and protocols to which it is not yet a party.

It must be stressed at the outset that Morocco has completed the procedures for the ratification of almost all the international conventions and protocols relating to the fight against terrorism. It is a party to 10 of the 12 legal instruments on the CTC list:

– *Convention on Offences and Certain Other Acts Committed On Board Aircraft*, signed at Tokyo on 14 September 1963, *Convention for the Suppression of Unlawful Seizure of Aircraft*, signed at The Hague on 16 December 1970, and *Convention for the Suppression of Unlawful Acts against the Safety of Civil*

Aviation, signed at Montreal on 23 September 1971, to which Morocco acceded on 24 October 1975;

– *Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation*, signed at Montreal on 24 February 1988, ratified by Morocco by Dahir No. 4.95.41 of 13 November 2001;

– *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents*, done at New York on 14 December 1973, to which Morocco acceded on 9 January 2002;

– *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*, done at Rome on 10 March 1988, and the *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf*, done at Rome on 10 March 1988, both ratified by Morocco on 13 November 2003;

– *International Convention for the Suppression of the Financing of Terrorism*, adopted by the United Nations General Assembly on 9 December 1999 and ratified by Morocco by Dahir No. 4.02.02 of 23 July 2002;

– *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, signed at Montreal on 1 March 1991, to which Morocco acceded on 19 March 1999;

– *Convention on the Physical Protection of Nuclear Material*, signed at Vienna on 3 March 1980 and ratified by Morocco by Dahir No. 4.91.3 of 23 July 2002.

The measures of suppression introduced by Morocco to combat terrorism faithfully reflect its commitments both under regional and international conventions relating directly or indirectly to the suppression of terrorism (see above, section VIII (i) (a) and (b)) and pursuant to the relevant resolutions of the Security Council (section VIII (ii)). Where necessary, domestic legislation has been brought into line with these conventions. For example, Act 03.03 on combating terrorism (promulgated by Dahir No. 1-03140 of 28 May 2003) extended the scope of the Criminal Code by criminalizing the various types of terrorist and terrorism-related acts.

This Act contains rules of criminal procedure which override ordinary law, while still maintaining the rights of the defence, in order to facilitate the work of the judicial authorities with respect to investigation and instruction and to the enforcement of judicial decisions. It criminalizes the financing of terrorism on the same footing as terrorist acts and sets out special provisions on, among other subjects, the arrangements for cooperation between the banking system and the judicial authorities in matters of instruction and the enforcement of judicial decisions ordering the freezing or confiscation of property of persons implicated in matters connected with terrorism, as well as provisions on channels of cooperation and coordination between the governmental authorities of Morocco and those of foreign countries in the context of the application of the international conventions on combating the financing of terrorism and the relevant resolutions of the Security Council (see the third report of Morocco to the CTC, dated 23 December 2004).

It should be noted with respect to the *Convention on the Physical Protection of Nuclear Material* that Morocco will be submitting a detailed report on its nuclear

practice pursuant to Security Council resolution 1540 (2004). This report stresses inter alia that Morocco has signed and ratified all the multilateral legal instruments relating to the fight against the proliferation of weapons of mass destruction. It notes in particular that Morocco was one of the first countries to sign the Treaty on the Non-Proliferation of Nuclear Weapons, in 1970, and that it also signed a safeguards agreement with the International Atomic Energy Agency in January 1973 and an additional protocol thereto in September 2004. Furthermore, in the context of the strengthening of measures for monitoring radioactive sources, Morocco has notified the Agency's Director-General of its acceptance of the *Code of Conduct on the Safety and Security of Radioactive Sources*. Morocco also subscribes to the fundamental principles of *The Hague Code of Conduct against the Proliferation of Ballistic Missiles*, adopted at The Hague on 25 November 2002.

Morocco's vigorous international commitment to the non-proliferation of weapons of mass destruction is being manifested — slowly but surely — in the adoption of a broad array of domestic legislation, to which governmental experts are currently putting the finishing touches, with a view to securing greater homogeneity among national legislations and improved harmonization with the basic international rules on the safety and security of nuclear material and other radioactive sources.

The two conventions which Morocco has not yet formally ratified are at the final stage of the ratification procedure. These are the *International Convention against the Taking of Hostages*, done at New York on 17 December 1979, and the *International Convention for the Suppression of Terrorist Bombings*, done at New York on 15 December 1997. Following their signature and their adoption by the Council of Government (presided over by the Prime Minister), these two instruments were adopted on 3 June 2004 by the Council of Ministers (presided over by His Majesty King Mohammed VI). The final step will be their approval by Parliament, which will take place shortly.

1.3. Within the context of the effective implementation of subparagraph 1 (a) of the resolution, the CTC would appreciate receiving an explanation of the applicable laws, regulations and practices in Morocco for identifying persons or entities:

– *Which maintain a bank account;*

– *On whose account a bank account is maintained;*

– *Who are beneficiaries of transactions conducted by professional intermediaries.*

Does Morocco impose identification obligations on persons who operate trusts in order to obtain information about the trustees, settlors or grantors, and the beneficiaries of such trusts? Please outline the procedures in place in Morocco that enable foreign law-enforcement agencies or other counter-terrorist entities to obtain this information in cases where terrorism is suspected.

As indicated in section 1.2, the laws, regulations and practices in force require banking institutions to identify the holders of bank accounts, the true holders of accounts opened by agents, and the beneficiaries of transactions carried out by professional intermediaries. The principal sources of this obligation are the Commercial Code and Circular No. 36/G/2003 of the Governor of Bank Al-Mahgrib concerning the duty of vigilance. It is confirmed in the money-laundering bill.

For purposes of identification of holders of bank accounts, article 488 of the Commercial Code requires lending institutions to verify before an account is opened:

– **In the case of physical persons:** the domicile and identity of applicants as stated on the identity cards of Moroccan nationals, the registration cards of foreign residents, or the passports or other identity papers serving as passports for non-resident foreigners;

– **In the case of legal entities:** the style and name of the entity, the address of its principal place of business, the identity and the powers of the agents authorized to operate its bank account, and its registration numbers for corporation tax, in the commercial register, and for patents tax.

Lending institutions are also required to exercise vigilance and caution with regard to transactions initiated by professional intermediaries, pursuant to the provisions of article 16 of the Governor's Circular mentioned above, which states: *"Lending institutions must pay particular attention to financial transactions carried out by professional intermediaries (such as notaries, lawyers, and enterprises providing intermediary services and consultancy and assistance as their regular business) on behalf of their clients, whether physical persons or legal entities".*

The money-laundering bill imposes a number of obligations on persons subject to the obligation to report suspicions, including: the introduction of an internal oversight system, the acquisition and retention of particulars identifying their usual and occasional clients, and the periodic supervision of accounts and transactions involving a high degree of risk. This bill also provides for the extension of its own scope to the fight against the financing of terrorism.

1.4. In regard to the effective implementation of subparagraph 1 (a) of the resolution, the CTC would be grateful to know if Act 03-03 on combating terrorism referred to in the third report (at page 3) provides for the auditing of records of financial institutions to verify compliance with the requirements to identify customers and to submit suspicious-transaction reports to the competent authorities. If yes, please specify how often financial institutions will be subjected to such audits. Will foreign-exchange bureaux and remittance agencies also be routinely audited?

Act 03-03 has no explicit provisions on the auditing of the books of financial institutions for purposes of verification of the identity of clients and reporting of suspicious transactions to the competent authorities. On the other hand, the money-laundering bill, which also covers the financing of terrorism, does establish the obligation of persons and entities subject to the legislation, in particular banks and lending institutions, to introduce oversight arrangements for detecting suspicious transactions and to order sanctions in the event of failure to fulfil this obligation.

A corps of inspectors working under the auspices of Bank Al-Mahgrib is responsible for verifying compliance with the relevant laws and regulations. Pending the forthcoming adoption of the bill, Bank Al-Mahgrib verifies in the course of its checks the compliance by banks and lending institutions with the provisions of Governor's Circular No. 36/G/2003 on the duty of vigilance. Moreover, the draft **amendments to the Banking Act** provide for the extension of the controls operated by the Central Bank to money-transmission enterprises and to a number of bodies which carry out banking transactions.

1.5. Regarding subparagraph 1 (c) of the resolution, does Morocco have domestic legal provisions which allow appropriate authorities to freeze funds, regardless of origin, when the funds are held in the names of persons and entities identified in lists, other than those approved for the purpose of Security Council resolution 1267 (1999), as being linked to terrorist activities? If no, please indicate the steps that Morocco intends to take in order to adequately meet this aspect of the resolution. Also in this regard, the CTC would be grateful for an outline of the procedures used to designate an organization as a terrorist organization. Could Morocco provide data on the number of terrorist organizations that it has so designated, in particular foreign terrorist organizations other than those listed in Security Council resolution 1267 (1999)? Do existing provisions allow for the designation of an organization as a terrorist organization on the basis of information from another State. If so, how long would that process take? The CTC would further appreciate knowing the number of persons who have been prosecuted for inviting support (including recruitment) for:

– Proscribed organizations; and

– Other terrorist groups or organizations.

As stated in the reply to CTC question 1.2, Moroccan law does allow the freezing of funds and, in general, of all property whatever its origin belonging to persons implicated in acts of terrorism, even when the offences are committed outside the national territory.

Thus, article 595-2 of the Moroccan Code of Criminal Procedure gives the judicial authorities the power to freeze or seize assets suspected of being connected with terrorist financing. The Government may even, at the request of a foreign State, and pursuant to the relevant international instruments, order the freezing, seizure or confiscation of any property, provided that certain legal requirements are met. These measures are applicable not only to property used or intended to be used in the commission of the offence, but also to the proceeds derived from such property and to any obligation to pay a sum of money corresponding to the value of the property in question.

In addition, title IV of Act 03-03, on combating terrorism, provides for the freezing of funds belonging to persons or entities appearing on the United Nations Security Council lists, irrespective of the origin of such funds. Under article 1-218, paragraph 9, of the said Act, any criminal conspiracy whose members have agreed to prepare or carry out a terrorist act is considered as an act of terrorism. Thus, all organizations invoking the Salafi Jihadi ideology, including Al-Qaida, Ansar al-Islam, the Moroccan Islamic Combatant Group (GICM), the Libyan Islamic Combatant Group, the Salafist Group for Preaching and Combat (GSPC), Al-Takfir wa al-Hijra and Al-Sirat al-Mustaqim, come under this provision.

An organization may be designated as terrorist on the basis of information from a third country if such information is borne out by other information and the acts attributed to the organization are qualified as terrorist acts under Morocco law (Moroccan Criminal Code and Act 03-03). The investigations conducted by the Moroccan authorities following the terrorist attacks carried out in Casablanca on 16 May 2003 established the involvement of about a thousand persons, who were prosecuted for belonging to terrorist organizations.

1.6. In the context of the effective implementation of paragraph 1 of the resolution, has Morocco adopted measures to prevent terrorists and other criminals from having unfettered access to wire transfers to move their funds? In particular, the CTC is interested in measures with regard to:

– *Monitoring the compliance of financial institutions with rules and regulations governing wire transfers (cross-border and domestic)*;

– *Detecting any wire transfers for terrorist purposes that may occur, in particular by ensuring that basic information on the originator of wire transfers is immediately available to the relevant authorities*.

Wire transfer is a procedure for transferring funds from one account to another. Only banking establishments empowered to keep accounts may make this means of payment available to their clients. It is understood that, pursuant to article 241, paragraph 2, of the Commercial Code, the generic concept of a banking establishment includes, in addition to lending institutions, any organization legally empowered to keep accounts on which cheques may be drawn (the Central Bank, the Treasury and Barid Al-Maghrib (Moroccan Post Office) in respect of operations effected by the Department of Current and Postal Cheque Accounts).

It follows that in Morocco wire transfers, whether effected within the country or to other countries, take place solely within the formal framework and are subject to controls. The regulation of foreign exchange permits the control and verification of cash transactions between residents and non-residents. Moreover, the money-laundering bill contains provisions to permit the identification of the originators and the payees in operations carried out by persons subject to the legislation on behalf of their clients.

Under article 3 of Circular 36/G/2003 of the Governor of Bank Al-Maghrib, lending institutions must gather data to permit the identification of any person using their services to perform any other transaction, even on a one-time basis, including the transfer of money. In addition, article 7 of the same Circular provides that lending institutions must obtain from persons not having accounts with them who wish to rent a safe-deposit box or carry out one-time or occasional transactions at their windows the necessary data for identifying such persons and their payees.

Fund transfer companies are now subject to the approval and control of the Central Bank, under the new banking act currently before Parliament for approval. Moreover, any legal entity or physical person that detects any wire transfer or other operation involving the transfer of funds for terrorist purposes is required, under article 218-8 of the Criminal Code, to make an immediate declaration to the judicial, security, administrative or military authorities. Failure to disclose such information is punishable by a prison sentence ranging from 5 to 10 years.

1.7. In relation to money-laundering and the financing of terrorism, the CTC would be grateful for an outline of any special strategy which Morocco may have developed to enable its investigative agencies effectively to prevent resources from being transferred to terrorists (for example, under-invoicing of exports and over-invoicing of imports, manipulation of high value goods like real estate, gold, diamonds, etc.). The CTC would further appreciate being informed of any existing legal provisions or other appropriate measures in this regard, as well as how their effective implementation is carried out.

Long before the adoption of Security Council resolution 1373 (2001) on counter-terrorism, Morocco had adhered to the international precepts regarding the suppression of the financing of terrorism as one of the main features of international counter-terrorist cooperation, endorsing the mechanisms set up under the International Convention for the Suppression of the Financing of Terrorism and Security Council resolution 1267 (1999).

This being the case, it should perhaps be borne in mind that the effort to thwart terrorist financing has fairly specific features that differentiate it from the fight against money-laundering and financial crime in general. Although these phenomena are related (e.g., Madrid attacks), funds intended for financing terrorist undertakings are not always incriminated by reason of their origin, which in any case is not necessarily illegal per se. It is their use or intended use that is criminal.

Thus Morocco, while adopting the usual norms and precautions against financial crimes, makes it a point not to limit itself to such measures. It attributes considerable importance to intelligence work to cross-check financing and its potential terrorist use. This is the deeper meaning of the obligation to be vigilant that lies at the heart of Moroccan policy against terrorist financing and is reflected both in the special control arrangements required of banks and financial establishments and in the investigative and cross-checking work that is the responsibility of Morocco's security services and, shortly, the new financial intelligence unit.

This policy, founded on vigilance, is particularly justified in the specific context of combating Islamist-linked terrorism, where keeping track of financing is significantly complicated by the peculiar features of Islamic finance. Indeed, in this context, financial channels possibly intended to fund a terrorist undertaking become singularly opaque and complex. The *hawalah* system, for example, makes it possible to carry out financial transactions that are at the same time personal, discreet and informal, without actually moving money. Similarly, the institutions of *zakat* and *sadaqah* (alms) can be misused by evil persons or organizations for purposes that are the antithesis of their noble aims of mutual assistance and social solidarity. In other words, it is often not so much the financial flows in themselves that are illegal or reprehensible as the criminal use that may be made of them.

Morocco is nonetheless aware that the surveillance and control system it has set up will surely gain from being reinforced by an operational mechanism specializing in financial intelligence. This mechanism will become fully operational in the very near future thanks to the entry into force of the money-laundering act and the creation of the financial intelligence unit. The unit will be in charge of both the general issues involved in combating money-laundering and the specific configurations likely to come into play in connection with the repression of terrorist financing.

In synergy with the various counter-terrorism services, financial intelligence will seek to trace back through criminal and terrorist networks in order to obtain financial evidence that will be relevant, especially in court.

It should be pointed out that under the legislation in force the Moroccan financial authorities, in particular the Central Bank and the Exchange Office, are already empowered to carry out all kinds of checks and to demand any and all vouchers for expenses incurred whenever a transfer of currency abroad is involved,

in connection with the settlement of current or balance-of-payments-capital transactions. The Central Bank may also carry out any necessary inquiry or investigation where there is found to be under-invoicing of exports or over-invoicing of imports.

Also, the Administration of Customs and Indirect Taxes is legally empowered to verify the regularity of commercial transactions involving other countries, particularly with regard to value declared. This Administration has what is known as a "Value Commission", which is given the power to verify the declared prices of imported and exported goods. Prices are also verified on the basis of statistical documents and periodic reports addressed to the Exchange Office by Customs and by banks servicing the transactions. Trade in precious metals is also subject to control by Customs.

The measures that may be adopted to assist investigative bodies in effectively preventing the transfer of resources for terrorist purposes include: strengthening of customs and foreign-exchange controls; prohibition and sanctioning of transfers of funds via informal channels; broadening of the list of legal entities required to report suspicions; obligation for all persons to report facts and events connected with money-laundering and the financing of terrorism; and adoption of a set of regulations regarding all purchase, sale and foreign-exchange transactions involving precious metals.

Effectiveness of counter-terrorism

1.8. In the context of the effective implementation of subparagraph 2 (e) of resolution 1373 (2001), the CTC would appreciate knowing which special investigative techniques may be applied in Morocco in relation to terrorism (e.g. interception of communications; electronic surveillance; observation; undercover operations; controlled delivery; "pseudo-purchases" or other "pseudo-offences"; anonymous informants; cross-border pursuits; bugging in private or public premises etc.). Please explain what these techniques consist of, as well as the legal conditions that govern their use. The CTC is also interested in learning details such as: whether the use of these techniques is restricted to actual suspects; whether they may only be utilized with the prior approval of a court; whether there is a limit to the time-period in which they may be used. Could Morocco further indicate whether, and if so how these techniques could be used in cooperation with another State?

Article 108, paragraph 3, of Act 03-03 on combating terrorism, provides that the King's Prosecutor may, if so required for investigative purposes, make a written request to the First Presiding Judge of the Court of Appeal to order the interception, recording or seizure of telephone or other communications if the crime under investigation involves State security, constitutes a terrorist offence or is connected with a conspiracy, assassination, poisoning, abduction, hostage-taking, counterfeiting or falsification of banknotes or treasury bonds, weapons and ammunition, or explosives. The period of interception of telephone calls and communications must not exceed four months and may be renewed once only. Under paragraph 4 of the same article, the King's Prosecutor may, in case of extreme emergency, order such action in writing.

Under the same article, moreover, recourse to any and all investigative methods is permitted for combating terrorism. The persons with respect to whom such methods may be used are those suspected of belonging to terrorist

organizations. Such methods may be used in cooperation with other States under the bilateral or multilateral conventions ratified by Morocco.

1.9. Subparagraph 2 (e) of the resolution requires States to, inter alia, bring terrorists and their supporters to justice. The CTC would be grateful to know whether Morocco has taken measures to protect vulnerable targets involved in the prosecution of terrorist crime (e.g. protection of victims, persons collaborating in the pursuit of justice, witnesses, judges and prosecutors). Please describe the legal and administrative provisions in place in Morocco that ensure the protection of such persons. Could Morocco also indicate whether, and if so, how these measures could be utilized in cooperation with or at the request of another State?

Moroccan law contains a number of provisions intended to facilitate the protection of persons who contribute directly or indirectly to its enforcement. Thus, magistrates, court officers and workers in the judicial system are given court protection; in order to discourage any attack against their persons, this entails penalties that may be particularly severe. Similarly, the law provides special protection to ensure the proper conduct of hearings. Such protection is tightened for hearings in cases involving terrorism.

Within the specific context of counter-terrorism, Act 03-03 provides for the protection of agents responsible for special investigations into suspicious transactions against any threat or pressure during the performance of their duties. Thus, in respect of all acts carried out in connection with the exercise of the tasks entrusted to Bank Al-Maghrib or other banks under the counter-terrorism act, neither these establishments nor their managers or staff are subject to prosecution, nor do they incur any civil liability. At the same time, it is prohibited to use the information collected for purposes other than those provided for by law, such managers and staff being required to take every necessary measure to guarantee the secrecy of the investigations (art. 595-5).

Finally, the victims of terrorist acts, such as those carried out in Casablanca on 16 May 2003, are not directly covered by the protection mentioned above. However, Morocco has taken special steps to aid and protect the victims of those acts. For example, His Majesty King Mohammed VI has ordered a special financial payment to the families of victims of the attacks of 16 May. This measure of solidarity involved not only Moroccans, but also foreign nationals who were victims of the attacks.

1.10. Within the context of international cooperation, the CTC would appreciate knowing if there exist legal provisions and procedures that ensure effective and speedy exchange of information. If so, the CTC would be grateful for an outline of such laws and procedures, as well as for an outline of any legal provisions in place providing for mutual legal assistance with other States in criminal matters.

The Moroccan authorities provide international cooperation in the area of counter-terrorism through Interpol and the diplomatic channel.

Morocco is an active protagonist in the effort undertaken by the international community against terrorism. Its security services maintain important relations of cooperation with their counterparts in partner and friendly nations, both bilaterally and within the framework of the international organizations active in this field, such as Interpol and the North Atlantic Treaty Organization (NATO). Thus, the cooperation of the Moroccan security services with their European and American

counterparts fully manifested itself in connection with the investigation into the Madrid attacks of 11 March 2004. That cooperation has made it possible to dismantle several dormant or active terrorist cells, mainly in Europe, thus preventing deadly attacks. Such cooperation takes place through the usual communication channels between the services concerned.

This cooperation is conducted with respect for the law and the provisions of the conventions and protocols signed and ratified by Morocco that provide, among other things, for information exchange, legal assistance and mutual judicial assistance. In the area of mutual judicial assistance in criminal matters and counter-terrorism, therefore, Morocco has a sizeable network of bilateral agreements. Among the relevant legal instruments, mention might be made of the following:

Algeria:

Agreement on the Movement of Persons and Property, signed on 28 May 1964

Convention on Establishment, signed on 15 March 1963 and ratified by Dahir No. 1-69-116 of 14 April 1969

Convention on Mutual Judicial Assistance, signed on 15 March 1963 and ratified by Dahir No. 1-69-116 of 14 April 1969

Protocol to the Convention on Mutual Assistance and Legal Cooperation, signed on 15 January 1969 and ratified by Dahir No. 1-69-116 of 14 April 1969

Belgium:

Convention on Extradition and Mutual Judicial Assistance in Criminal Matters, signed on 27 February 1959 and ratified by Dahir No. 1-59-446 of 19 May 1960

Convention on Mutual Judicial Assistance in the Recognition and Execution of Judicial Decisions, signed on 15 July 1991

Convention on Mutual Judicial Assistance in Civil, Commercial and Administrative Matters and in the Field of Information, signed on 30 April 1981 and ratified by Dahir No. 4-82-2 of 18 January 1993

Protocol of Administrative Agreement on the Application of the Rules Governing Personal Status in the Territories of the Kingdom of Morocco and Belgium, signed on 26 September 1979

France:

Agreement Amending the Provisions of the Judicial Convention, signed on 10 August 1981

Convention Additional to the Convention on Mutual Judicial Aid and its Annexed Protocol of 5 October 1957 Extending the Convention to Contentious Administrative Proceedings, Instituting Central Authorities in Matters of Judicial Assistance, signed on 10 August 1981

Convention on Mutual Legal Assistance, Enforcement of Decisions and Extradition, signed on 5 October 1957 and ratified by Dahir No. 1-57-227 of 2 October 1957

Judicial Convention of 5 October 1947, ratified by Dahir No. 1-57-89 of 10 June 1957

Italy:	Convention on Mutual Legal Assistance, Enforcement of Decisions and Extradition, signed on 12 February 1971 and ratified by Dahir No. 1-75-242 of 12 April 1976
Libyan Arab Jamahiriya:	Convention on Establishment of 27 December 1962, ratified by Dahir No. 1-63-24 of 11 February 1963
Mauritania:	Convention on Judicial Cooperation and Extradition, signed on 20 September 1972 and ratified by Dahir No. 4-79-19 of 8 November 1979
Poland:	Convention on Mutual Legal Assistance in Civil and Criminal Matters, signed on 21 May 1979 and ratified by Dahir No. 4-80-7 of 12 December 1980
Portugal:	Agreement on Cooperation in the Field of Drug Control, signed on 18 October 1988 and ratified by Dahir No. 4-90-10 of 30 May 1994
	Agreement on Cooperation against Terrorism and Organized Crime, signed on 28 April 1992
Romania:	Convention on Mutual Legal Assistance in Civil and Criminal Matters, signed on 30 August 1972 and ratified by Dahir No. 4-77-16 of 19 September 1977
	Protocol additional to the above Convention, signed on 30 August 1972 and ratified by Dahir No. 4-77-16 of 19 September 1977
Spain:	Agreement on Cooperation to Combat Drugs, signed on 21 January 1987 and ratified by Dahir No. 4-88-30 of 21 December 1990
	Judicial Convention of 11 February 1957
	Agreement Amending the Provisions of the Judicial Convention, signed on 6 October 1965
	Convention on Mutual Judicial Assistance in Criminal Matters, signed on 30 May 1997
	Convention on Extradition, signed on 30 May 1997
Tunisia:	Convention on Legal Cooperation, Enforcement of Decisions and Extradition, signed on 9 December 1964 and ratified by Dahir No. 208-66 of 3 June 1966
Turkey:	Convention on Mutual Legal Assistance in Criminal Matters and on Extradition, signed on 15 May 1989
	Convention on the Transfer of Convicted Persons, signed on 15 May 1989
United States:	Convention on Mutual Judicial Assistance in Criminal Matters, signed on 17 October 1983 and ratified by Dahir No. 4-85-26 of 28 May 1993

1.11. In addition, the CTC would be grateful if Morocco could specify the contact points it has established for international cooperation to combat terrorism and their respective areas of responsibility.

The counter-terrorism effort in Morocco is a synergistic action involving the entire Government and State apparatus. With regard to international cooperation, however, certain governmental structures play a special role and serve as counter-terrorism contact points. These are, in particular, the Ministry of the Interior, the Ministry of Justice and the Ministry of Foreign Affairs and Cooperation.

The latter Ministry deals with the diplomatic and legal aspects of international cooperation in this field. Both through its central administration and through its decentralized services, this department closely follows the international situation, takes action to ensure the development of international cooperation and the coordination of all Morocco's foreign relations, negotiates and concludes legal instruments pertaining to counter-terrorism and follows the process of their incorporation into national legislation. The **General Department of Bilateral Relations** follows up the various aspects of international cooperation to combat terrorism. This structure, therefore, is the Ministry's focal point for the subject.

In addition, in keeping with its international commitments under 24 agreements and protocols directly or indirectly relating to international terrorism and in pursuance of the relevant Security Council resolutions (see above, III (i) and (ii)), Morocco has established contact points for information exchange to combat terrorism. Thus, the Moroccan security services are in constant contact with counter-terrorism services throughout the world via direct links, so as to guarantee the rapid and efficient exchange of operational information with other States, should the need arise. The following operational contact points might be mentioned by way of illustration: the Department of International Cooperation, created within the Ministry of the Interior, and the National Central Bureau (Interpol Morocco), placed under the Criminal Investigation Department within the General Office of National Security.

1.12. Within the context of the implementation of subparagraph 2 (e) of the resolution, the CTC would be grateful to know how Morocco ensures that there is adequate cooperation and information sharing among the various government agencies that may be involved in investigating the financing of terrorism, as well as with other competent authorities.

Paragraph 2 (e) of United Nations Security Council resolution 1373 (2001) provides that any person who participates in the financing, planning, preparation or perpetration of terrorist acts must be brought to justice and that the punishment must duly reflect the seriousness of such acts. In complying with that paragraph, Morocco ensures that there is a proper exchange of information among the various governmental organizations concerned with investigations into activities connected with terrorism, in particular the Ministry of the Interior, the Ministry of Justice and the Ministry of Finance, as well as other competent organs (Ministry of Foreign Affairs, administrative authorities and economic and banking sectors).

For this purpose, **an interministerial coordination structure** has been set up, charged with simplifying arrangements for information exchange among the different departments, adapting actions to the current international situation and guaranteeing implementation of the Security Council resolutions on counter-terrorism, in particular resolution 1373 (2001).

In addition, the money-laundering bill calls for the establishment of a **financial intelligence unit** that will centralize the financial aspect of the counter-

terrorism effort, chiefly through the prevention and repression of terrorist financing. The unit, which will be placed under the Ministry of Finance, will be in charge of coordination among the national actors in the field of money-laundering and terrorist financing. It will ensure, for example, that lending institutions fulfil their obligation to furnish any and all information concerning transactions or movements of funds suspected of being connected with the financing of terrorism. On the basis of information cross-checked by the unit, the financial authorities will be able to order the freezing or seizure of funds of questionable origin.

Effectiveness of customs, immigration and border controls

1.13. Effective implementation of paragraphs 1 and 2 of resolution 1373 (2001) requires the operation of effective customs and border controls with a view to preventing and suppressing the financing of terrorist activities. Does Morocco impose controls on the cross-border movement of cash, negotiable instruments, precious stones and metals (for example, by imposing an obligation to make a declaration or to obtain prior authorization before any such movements take place)? Please also provide information concerning any relevant monetary or financial thresholds.

Pending adoption of the law on money-laundering and the financing of terrorism, border controls of movements of cash (currency), negotiable instruments, precious stones and metals are different depending on whether importing or exporting is involved.

For exporting, movements of cash are free. The traveller is under no obligation to declare unless he or she intends to import the totality or the balance of assets with an exchange value exceeding 50,000 Moroccan dirhams (one United States dollar ≤ ten Moroccan dirhams). In the latter case, the traveller (whether a non-resident foreigner or a Moroccan resident abroad) must, on entering Moroccan territory, submit a currency import declaration at the point of entry. **As for precious stones and metals**, their import requires a detailed declaration as well as an authorization issued only to approved importers by the Customs and Indirect Taxes Administration. However, this authorization is not required for the importing of personal jewellery by travellers, subject to compatibility with the social status of those concerned.

On the other hand, **authorization from the Foreign Exchange Office is required for the export of all cash in foreign currency**. The export (and import) of dirhams is prohibited. Payments made in the course of commercial transactions must be effected through a bank. **The export of precious stones and metals** requires a detailed Customs declaration following the issue of authorization by the Customs and Indirect Taxes Administration. However, this authorization is not required for the exporting of personal jewellery by travellers, subject to compatibility with the social status of those concerned.

1.14. Effective implementation of subparagraphs 2 (c) and (g) of the resolution requires the enforcement of effective customs, immigration and border controls so as to prevent the movement of terrorists and the establishment of safe havens. In this regard: Would Morocco please outline how it implements the common standards set by the World Customs Organization in relation to electronic reporting and the promotion of supply chain security?

As for **supply chain security**, the Moroccan Customs have adopted a series of measures which are in accordance with the common standards of the World Customs Organization (WCO). These measures can be summarized as follows:

Signature of new mutual administrative assistance agreements for the exchange of information and prevention of fraud;

Use of risk targeting and analysis techniques for supervision of cargo and travellers;

Development of information exchange within the framework of the Regional Intelligence Liaison Office (RILO) for North Africa, which is one of the eleven RILOs set up by WCO throughout the world;

Adoption of the provisions of WCO resolutions on logistical chain security, with accession to all customs-related instruments; and

Equipment of Customs with X-ray scanners as part of Morocco's implementation of the International Ship and Port Facility Security (ISPS) Code.

Is the supervision of people and cargo in Morocco undertaken by separate agencies (immigration and customs) or does one and the same body undertake it? If there is more than one agency involved, do these agencies share information and do they coordinate their activities?

Control of people and cargo are the responsibility of two distinct services in Morocco, although there is a certain amount of cooperation and complementarity between them, these are the Police (National Police and Royal Gendarmerie) and Customs (Customs and Indirect Taxes Administration).

The two services are working jointly to install radioscopic equipment for the supervision of goods and people. In this connection and in order to strengthen their respective capacities, scanners (mobile and re-locatable) are to be installed in the principal Moroccan ports during December 2004. They will be used to inspect containers and lorry-trailer combinations. Implementation of the ISPS Code will further strengthen cooperation between Customs and Police.

Please outline the legal and administrative procedures developed by Morocco in order to protect its airports as well as ports and offshore installations. Do the competent authorities in Morocco have procedures in place periodically to review and update transport security plans?

Morocco has a sizeable network of airports. To guard against all eventualities, the Moroccan authorities have taken measures that emphasize the prevention of accidents or criminal acts through rigorous risk management and installation of an emergency intervention system to safeguard goods and people.

The system of control focuses on the inspection of passengers and of their carry-on and checked baggage, welcoming passengers, giving them any assistance that may be required and checking their travel documents. Special equipment (scanners) has been put into general use at ports as well as airports and non-maritime border posts.

The Criminal Investigation Department, the Royal Gendarmerie, the Customs and the Department of Civil Aviation (Department of Transport) all participate in airport security. It is noteworthy that the Kingdom of Morocco has notified the

International Maritime Organization (IMO) that its port installations and vessels are in conformity with the provisions of the ISPS Code. Likewise, the National Committee for Civil Aviation Safety is looking into the possibility of drawing up a national emergency plan in accordance with the recommendations of International Civil Aviation Organization (ICAO) experts who conducted a safety audit in Morocco from 22 to 31 March 2004.

In accordance with the ICAO recommendations, Morocco has established a **National Committee for Civil Aviation Safety**. The Committee, comprising all airport representatives, is chaired by the Department of Transport. It draws up, ratifies and follows up safety plans submitted by local safety committees at each airport.

Also, Morocco has put in place a certain number of measures at each of its hubs to combat the illegal entry of weapons or sensitive products. These measures involve, in particular:

– Preparation of Airport Safety Programmes which are specific to each hub and in conformity with the National Safety Programme. Appropriate safety procedures are adopted with the aim of ensuring the safety of civil aviation while maintaining the punctuality of flights;

– Equipment of all airports with the latest inspection/screening devices (X-rays and metal detectors) to find suspicious objects on persons or in their baggage and any other article being taken on or off aircraft;

– Coordination and exchange of information with all airport partners in the area of civil aviation safety;

– Implementation of safety training programmes at the Mohammed VI International Civil Aviation Academy for supervisory staff and other workers at the National Airports Office (ONDA), the Police, the Royal Gendarmerie, the Customs and other airline companies.

As for ports, Morocco has acceded to the new amendment to the International Convention for the Safety of Life at Sea (SOLAS) relating to the safety of ports and port installations (ISPS). In its implementation of this legal instrument, Morocco has set up a national committee under the auspices of the Department of Transport to evaluate the arrangements laid down in the guidelines of the ISPS Code. A local safety committee has been established in each port by the respective port administrations. A series of measures and a list of equipment have been drawn up to ensure that the different ports which are subject to certification are upgraded.

Several measures have been taken as part of these security and safety arrangements. As an illustration of the impermeability of restricted zones, steps have been taken to effectively control access to port installations and to separate activities within ports. An additional 420 police officers have been assigned to ensure the security of port installations. Half of these officers, who are reinforcing an already sizeable contingent, will be deployed in the port of Casablanca, which is the largest in Morocco. A programme has been drawn up to equip all Morocco's ports with the Automatic Identification System (AIS) for vessels, the Visual Simulation Training (VST) system for the management of shipping traffic, and Automatic Radar Plotting Aid (ARPA) radars. These items of equipment are in addition to scanners for hand luggage and metal detectors for passengers.

These are some of the measures taken or planned by Morocco to upgrade the security of airports, ports and off-shore installations. They will undoubtedly be amended, revised and updated in the light of relevant developments.

Effectiveness of controls preventing access to weapons by terrorists

1.15 (A) Legislation, regulations, administrative procedures

What national administrative procedures exist to exercise effective control over production, import and transit of firearms, ammunition and explosives? What national measures exist to prevent the manufacture, stockpiling, transfer and possession of unmarked or inadequately marked: small and light weapons; other firearms, their parts and components and ammunition; plastic explosives; other explosives and their precursors?

The Kingdom of Morocco has strict legislation regulating the sale, purchase, possession and carrying of hunting weapons and hand guns and their ammunition. The circulation of military weapons, on the other hand, is totally prohibited. The same is true of the possession, storage, production and trade, importing of and trafficking in arms, ammunition, machinery and deadly, incendiary or explosive devices (Dahir of 2 September 1958).

Weapons, their parts, components and ammunition are regulated by the Dahir of 31 March 1937 governing the import, trade, carrying, possession and storage in Morocco of weapons and their ammunition. The import of small arms and light weapons and their ammunition requires prior authorization from the Director-General of National Safety or his representative on the recommendation of the local authority (articles 1 and 2).

Trade in weapons and ammunition is subject to the granting of a licence issued by the Director-General of National Safety or his representative.

Furthermore, permits to carry visible arms are issued by the local authority representing the central authorities on the recommendation of the security services. Permits to carry visible arms are issued by the Director-General of National Safety on the recommendation of the local authority. Dahir No. 1.58.286 of 2 September 1958, relating to penalties for infringing firearms and explosives regulations, stipulates a penalty of 20 years' imprisonment for any person in illegal possession of weapons, ammunition, explosive materials and deadly or incendiary instruments or devices.

As for explosive substances, control and supervision are the responsibility of the Ministry of Energy and Mines, the local authorities, the Royal Gendarmerie and the Royal Armed Forces. The legislative and regulatory texts on this subject include:

– The Dahir of 14 April 1914 regulating the production of explosives, amended and supplemented by the Dahirs of 22 July 1938 and 24 February 1940;

– The text of 2 March 1938, especially title IV, regulating the handling and transport of explosives;

– The Dahir of 30 January 1954 relating to the control of explosives;

– The Dahir of 14 January 1914 regulating the import, circulation and sale of explosives in Morocco and determining storage installation requirements,

amended and supplemented by the Dahirs of 14 March 1933, 9 May 1936, 24 February 1940 and 30 January 1954.

In order further to strengthen security and safety concerning explosives, the above-mentioned texts are being updated by the competent national authorities.

1.15 (B) Export control

Please describe the system of export and import licensing or authorization, as well as measures on international transit, used by Morocco for the transfer of plastic explosives and other explosives and their precursors. Please specify what export control procedures and other existing mechanisms are in place for the purpose of exchanging information on the sources, routes and methods used by traders in firearms. Do Morocco's procedures allow for the lodging and registering or checking of the goods declaration and supporting documents relating to firearms prior to the import, export or transit of these goods? Does Morocco encourage importers, exporters or third parties to provide information to Customs prior to their shipment? Please also outline any appropriate mechanism to verify the authenticity of licensing or authorizing documents for the import, export or transit of firearms. Has Morocco's Customs Service implemented intelligence-based risk management of borders to identify high-risk goods? Please outline what data and considerations are used by the Customs Administrations to identify high-risk consignments prior to shipment.

Under Moroccan law, military weapons include any explosive device launched either by hand or by some mechanism, if it includes a quantity of explosive or gunpowder contained within a metal casing. Detonators sold commercially, with an explosive charge of less than one gram, are not regarded as military weapons.

The import of military weapons is categorically prohibited. Hunting weapons and their ammunition may be imported after obtaining a licence issued by the Director-General of National Safety or his representative. They must be imported through customs offices at border posts. The only ammunition whose import is authorized is cartridges loaded with either gunpowder or pyroxylin powder, percussion caps, lead shot and bullets currently used for weapons other than military weapons, as well as materials intended for their production.

Trade in weapons other than military weapons is subject to the issue of a licence by the Director-General of National Safety or his representative. Licence holders may sell only to authorized arms dealers. Any person authorized to trade in arms undertakes to abide by the provisions of the regulations in force, including the keeping of registers for control and verification purposes and the obligation for purchasers or dealers to produce permits to carry or possess arms.

Arms dealers may not keep in their shops a quantity of hunting powder either in boxes or in cartridges in excess of 200 kg. This limit is reduced to 25 kg when the powder is in barrels. The dispatch to an authorized dealer of powder and ammunition from abroad or from a factory or depot authorized by law must be covered by a laissez-passer, which has to be presented upon request from civilian and military authorities during transport. This permit issued by Customs specifies the time periods and methods of transport as well as the route to be followed.

Explosives and powders require an import licence issued by the Department of External Trade on the recommendation of the technical department concerned, in

this case the Ministry responsible for Mines. In the same way, substances and raw materials that can be used to produce explosives require an authorization issued by the Ministry responsible for Mines before being imported.

In addition, since 1988 Customs has had an automatic system for selecting high-risk goods being imported or exported. This system, based on risk analysis, uses a series of criteria (operator, customs office, economic regime, value, past history) which appear on customs declaration statements.

The approach adopted is based on a risk analysis which is related to the detailed declarations in order to assess the likelihood that a rule is being broken. The favoured risk analysis fields — over and above the identity of the economic operator himself — are basically the existence of:

– Drug trafficking;

– Arms and explosives trafficking;

– Violations of the tax provision irrespective of the technique used;

– Evasion of prohibitions or restrictions;

– Attempts to receive unwarranted repayments or subsidies;

– Circumvention of the norms associated with certain preferential agreements.

The automatic selection process uses a system of risk evaluation based on the following treatment rules:

– Special procedures (Automatic Physical Inspection or Automatically Accepted);

– Scoring rules (using an established formula updated on a regular basis);

– Random inspection (within limits determined in advance by the Administration);

– Destabilization to make the system as unpredictable as possible.

Once the detailed declaration is submitted, the system proceeds to evaluate the associated risk and decides on the treatment: Physical Inspection or Acceptance. The system is of course parameterable so that it can take into account and personalize the nature and level of risk at different offices. Each risk level and criterion has one or more associated coefficients. These are defined according to whether the risk is zero or justifies inspection of the goods concerned. The coefficients are determined by the Administration in consultation with local risk departments and external departments and may be adjusted to reflect new types of fraud. It should be noted that there are risks whose mere presence is sufficient to trigger a physical inspection. One example is a declaration relating to explosives, which would prompt an inspection irrespective of the origin, provenance or submitting operator.

When the system does not identify any criterion of this kind, it proceeds to analyse the declaration and score it. When this score exceeds a certain level, it triggers a physical inspection. With very few exceptions, a random function is applied to declarations initially selected as “Accepted”, which are then subjected to Physical Inspection. This is done both to give credibility to the selection process and to bring the selectivity rates and real inspection rates more into line. It also makes it

possible to cover the unknown elements associated with parameters which are not taken into account in the system.

The results of the automatic selection process can be changed. The local official is empowered to change the "Accepted" option to a "Physical Inspection" option. This choice must be justified for the sole purpose of enabling the managing department to take account of the criteria selected for the purpose of improving the various automatic selection modules.

This selection system is combined with another "automatic grading" system, which assigns the selected declarations to the various officials who will be dealing with them. The selection rate (number of physical inspections as a percentage of the total number of declarations submitted) is determined by the Administration, which adjusts it according to policy choices. Formerly 35 per cent, the rate has since 2001 been set at 10 per cent for imports and 15 per cent for exports.

The risks identified by the system are evaluated separately from each other. They can then be combined as binomials, trinomials and polynomials. The selection criteria are not immutable, but are regularly updated to adapt to prevailing circumstances and to the techniques and modus operandi which the control process reveals. The system is updated by the Central Directorate responsible for dealing with fraud, and specifically by the Information and Risk Analysis Department in collaboration with external departments and local risk departments.

Lastly, in the context of the installation of the new electronic customs system known as BADR (Automated Base of Customs Online), the structure of the various automatic selection modules will be improved by taking account of the new performance levels and functionalities that will be offered, namely the programming of a new rules engine based on J2EE technology in which the rules will be stored in an Oracle relational database.

1.15 (C) Brokering

Do Morocco's law require the disclosure of the names and locations of brokers involved in transactions concerning firearms or explosives, on import and export licences or authorization or on any of the accompanying documents? Do existing legal provisions allow for the sharing of relevant information with foreign counterparts in order to enable cross-border cooperation in preventing illegal shipments of firearms, their parts and components and ammunition, as well as explosives and their precursors?

Imports of arms and ammunition by dealers are entered in a special register which the dealers keep for presentation on demand. The register is numbered and initialled by the competent customs inspector. An import authorization is issued for the importer's personal needs on presentation of a permit to carry or possess arms. **Only approved brokers may import arms, which are entered in the above-mentioned special register giving all information on arms purchases**.

As regards measures for combating illegal brokering in small arms and light weapons, approved importing firms are subject to rigorous control on the part of the administrative authorities and Customs. It should be recalled that **Moroccan legislation on the importing of, trade in and carrying of arms, powder and ammunition is in conformity with the various international conventions and**

with the Programme of Action adopted by the United Nations Conference in July 2001.

Morocco is fully prepared to cooperate with other States in combating arms trafficking through an exchange of information, intelligence and experience at regional and global levels. In this connection, the departments dealing with arms control have been involved through coordination of their activities, respecting the international commitments made by Morocco.

D. Stockpile management and security

Please outline legal provisions and administrative procedures in Morocco that provide for the security of firearms, their parts and components, ammunition and explosives and their precursors at the time of manufacture, import, export and transit through its territory. Has Morocco implemented, using risk assessment principles, any special security measures on the import, export and transit of firearms, such as conducting security checks on the temporary storage, warehousing and transport of firearms? Do Morocco's laws require persons involved in these operations to undergo security vetting? If yes, please give details.

Moroccan weapons legislation provides an array of measures to allow effective control at the stage of importing and of marketing of arms and ammunition. The competent departments are constantly taking steps to make legislative provisions of a preventive or repressive nature more effective, which has enhanced control of arms imports through the establishment of a system for verifying import and marketing licences, computerizing databases and compiling an inventory of all arms held in arms factories and private residences. The procedures for the transport and storage of explosives have become stricter since the attacks in Casablanca on 16 May 2003, as specified in a joint ministerial circular of the Ministry of the Interior and the Ministry of Energy and Mines.

E. Law enforcement/illegal trafficking

What special measures are used by Morocco to prevent and suppress illegal trafficking in firearms, ammunition and explosives that may be used by terrorists? Do Morocco's law enforcement agencies cooperate with the Interpol system of tracking in firearms and explosives?

Apart from the above-mentioned measures taken by Morocco to prevent and suppress illegal trafficking in firearms, ammunition and explosives that may be used by terrorists, Morocco is endeavouring to adopt the international legal instruments against terrorism and other forms of crime. This action is consonant with Morocco's international commitments, particularly within the United Nations, to prevent, combat and eradicate the illicit trade in small arms and light weapons. In this spirit, Morocco has actively participated in the negotiations concerning the firearms protocol, which is considered as an additional instrument to the United Nations Convention against Transnational Organized Crime, adopted by Morocco in 2002.

In terms of cooperation and assistance, the Interpol National Central Bureau in Rabat is responsible for the exchange of information, intelligence and experience with its counterparts in the other Interpol member countries.

F. National point of contact

Does Morocco have a national point of contact to act as liaison with other States on matters relating to the prevention of access to weapons by terrorists? If so, please give details.

Morocco has established a national point of contact at the level of the Ministry of the Interior, which ensures coordination of activities between the diplomatic representations of foreign countries, especially liaison officers, and all the national departments dealing with weapons issues.