

Real Rights: young people engaging with law enforcement

 Morocco



Developed by Baker McKenzie and the Global Initiative on Justice with Children, Real Rights provides young people – especially young people in vulnerable populations – with legal information for when children encounter police in public settings. Thanks to the pro bono work of over 1,500 volunteer professionals, this database provides answers for children in contact with the police from initial contact to searches and questioning.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And Asking Me To Do Something
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?

Stopped by the police on the street, now what?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

Can the police arrest you for refusing to answer questions?

Under Article 23 of the Moroccan Constitution, "No one may be arrested, detained, prosecuted, or condemned outside of the cases and the forms provided by the law."

[back to top](#)

Also under the same Article 23 of the Moroccan Constitution, *"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent."*

This means that even though the police has the right to detain you, they do not have the right to arrest you under the right to remain silent. It is illegal for the police to arrest someone for refusing to answer questions.

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What if the officers do not identify themselves?

Under Article 23 of the Moroccan Constitution states that:

"Arbitrary (unjustified) or secret detention and forced disappearance are crimes of the greatest gravity. They expose their authors to the most severe sanctions."

"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent. He must benefit, as well, from juridical assistance and of the possibility of communication with his relations, in accordance with the law"

This means that an officer cannot prevent you from leaving unless he first informs you, in a clear manner, that you are being detained and the reasons why you are being detained. Being detained without a justified reason is illegal and you should leave the police station.

https://www.constituteproject.org/constitution/Morocco_2011.pdf

What if an officer just begins speaking to me but does not order me to do anything?

Under Article 23 of the Moroccan Constitution

"No one may be arrested, detained, prosecuted, or condemned outside of the cases and the forms provided by the law."

"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent."

"Arbitrary (unjustified) or secret detention and forced disappearance are crimes of the greatest gravity. They expose their authors to the most severe sanctions."

This means that an officer cannot prevent you from leaving without telling you, in an explicit manner, that you are being detained and the reasons why you are being detained. Moreover, they have to explain your rights such as your right to remain silent. If they do not arrest you or detain you with a justifiable reason, you are free to go.

What if the officer is not in uniform or identified as an officers but I think it is one?

Under Article 23 of the Moroccan Constitution:

"No one may be arrested, detained, prosecuted, or condemned outside of the cases and forms provided by the law."

Unjustified or secret detention and forced disappearance are crimes of the greatest gravity. They expose their authors to the most severe sanctions."

Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent. In accordance with the law, he must also benefit from legal assistance and the ability to communicate with his relatives."

An officer must tell you that he is an officer if he is going to arrest you, detain you or prevent you from leaving. Police officers must provide a lawful reason explaining why you are being detained as well as your rights, such as your right to remain silent. If they do not present themselves as police officers, they are not legally allowed to arrest or detain you.

Can I tell police I do not want to speak without a lawyer?

According to Article 23 of the Moroccan Constitution *"He must benefit, as well, from juridical assistance and of the possibility of communication with his relations, in accordance with the law."* However, immediate and direct access to a lawyer from the outset of detention is neither guaranteed under existing statutory law nor in practice.

Yes. According to the Moroccan law, you have the right to remain silent and the right for legal assistance; therefore it is your choice to speak to the police with or without a lawyer.

[Morocco 2011.pdf \(constituteproject.org\)](#)

If I sit down, am I resisting?

As a general rule, if you are not complying with the police officer's instructions, it can be considered as resisting.

Basically, it is important to comply with the instructions and maintain a cooperative attitude when being arrested. Refusal to comply and to follow instructions may be considered as resistance and may cause additional issues.

Keep in mind that police officers also have a preventive role in preventing violations of the criminal law in addition to their duty to report them.

In the event of a wrongful arrest, rights can be asserted later in court.

If I am stopped in a group, and some kids run, can I run?

Under Article 23 of the Moroccan Constitution:

"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent. In accordance with the law, he must also benefit from legal assistance and the ability to communicate with his relatives."

Do not run as this can cause for police officers to use force or fire arms. According to the law, an officer cannot detain or arrest you without a justified reason, therefore, they cannot prevent you to leave after the raid.

Can I tell others (siblings, for example) to run?

It is never a good idea to run as this would entail the Police to use force or their firearms.

Indeed, when a person called on to stop (among others by repeated calls of *"halte gendarmerie"* made aloud) seek to escape their guard or their investigations, the police can use their weapons.

(According to Article 61 of the 1958 law on the gendarmerie, officers and gendarmes may only use their weapons in such cases).

If the officer's language is not my first language, can I tell them without waiving my rights?

Article 23 of the 2011 Constitution provides that any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons for his detention and of his rights, including the right to remain silent.

As soon as the Police arrests you (you are not allowed to leave) they have to make sure you understand your rights if you do not speak their language, or not properly. If you have no money they will bring an interpreter which will translate for you.

[Morocco_2011.pdf \(constituteproject.org\)](#)

If I did not do anything, can they stop me?

Article 21 of the Moroccan Constitution states that *"No one may be arrested, detained, prosecuted or convicted outside the cases and forms provided for by the law"*.

A person may be subject to deprivation of freedom and to being placed at the disposal of the judicial police officer for the needs of the investigation.

For there to be an arrest, it is necessary to have an infraction. Even if a person is innocent, if the police officer believes or suspects that there is a connection with an offence, he or she can make an arrest.

However, common sense leads to say that the police officer should have, at least, some clues or plausible reasons to suspect an individual before the arrest: otherwise, it also risks undermining the so-called presumption of innocence principle.

In any cases, a police officer may arrest a person as part of an identity verification procedure (according to Article 67 of the Code of Criminal Procedure: *"Any person whose identity it appears necessary, in the course of judicial investigations, to establish or verify must, at the request of the officer of the judicial police, lend himself to the operations required by this measure"*).

In a nutshell, there are two possible situations:

- The case of flagrant offence: in the case of an investigation in flagrante delicto, in case of crimes and misdemeanors punishable by imprisonment, when there is the need for a quick intervention, police officers have a direct power of intervention. They have broad powers to stop the disturbance and preserve evidence. In this case, a person may be placed in police custody if there are reasonable grounds to suspect that he or she has committed or attempted to commit an offence.

(Article 16 of the Code of Criminal Procedure states that the judicial police are responsible for establishing offences, gathering evidence and searching for the perpetrators).

(Article 66 of the Code of Criminal Procedure also provides that: *"If, for the purposes of the investigation, the judicial police officer is required to keep one or more persons at his disposal (...) he may not detain them for more than forty-eight hours from the time they were arrested. The public prosecutor's office shall then be notified."*

- The non-flagrant case: In a preliminary investigation during which officers are required to gather evidence of any non-flagrant offence. Unlike the flagrante delicto investigation, where the officer is only required to notify the public prosecutor's office of the police custody measure, the prior authorization of the public prosecutor is required. (*Article 80 of the Code of Criminal Procedure, which is dealing about preliminary investigation*). Moreover, police custody must always be justified by necessity, and is not allowed for all offenses, and its period is limited. The use of police custody, which in some cases requires prior authorization from the Public Prosecutor's Office and which must always be justified by necessity, is not allowed for all offences. If someone is arrested without valid grounds, he has the right to ask to see a lawyer and to challenge the arrest before a court. In any cases, it is important to remain calm and to cooperate with the police officers.

When can police search you and your surroundings?

Proposed Information

It is important to follow this advice:

- You have the right to say no to searches of your person.
- You have the right to say no to searches of your car, house or other surroundings.
- You cannot be arrested for refusing to consent to a search without a warrant.
- A warrant is a court order, so you have no choice but to consent.

What if a police officer wants to search my phone?

Police officers are not permitted to search your phone unless they have a warrant or your permission.

What if a police officer asks me for my password to my phone?

Police officers are not permitted to search your phone unless they have a warrant or your permission (Article 81 of the Code of Criminal Procedure).

This means that you can choose to give them your password or you can choose not to give them your password. You do not have to give them your password if you do not want to.

What if they tell me to give them my password or other access to my phone?

Police officers are not permitted to search your phone unless they have a warrant or your permission (Article 81 of the Code of Criminal Procedure).

This means that you can choose to give them your password or you can choose not to give them your password. Even if an officer is pressuring you to let them access your phone, you do not have to give them your password if you do not want to.

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

Police officers are not permitted to search your phone unless they have a warrant or your permission (Article 81 of the Code of Criminal Procedure).

This means that you can choose to give them your password or you can choose not to give them your password. Even if an officer is pressuring you to let them access your phone, you do not have to give them your password if you do not want to.

What tools can the police use to search me? What technology? (Facial recognition, hidden cameras, finger print searches, etc.)

The [Moroccan Constitution](#) contains a specific provision related to privacy. Indeed, Article 24 states:

"Any person has the right to the protection of their private life.

The domicile is inviolable. Searches may only intervene in the conditions and the forms provided by the law.

Individual privacy may be breached as part of a criminal investigation when a judicial order is issued. And though the law identifies specific conditions under which such orders may be granted."

[State of Privacy Morocco | Privacy International](#)

Can the police search my backpack or another item I am carrying?

In case of crimes or flagrant (obvious) offences, the officers of the judiciary police may visit the home of any person who can be involved in the act or might detain information and can seize any pertinent object. No authorization is necessary in those cases. However, if the seizure is carried during the preliminary inquiry of a non-flagrant act, the officers need to obtain the express authorization of the owner of the place where the seizure is occurring.

Can the police take my picture or record me?

The [Moroccan Constitution](#) contains a specific provision related to privacy. Indeed, Article 24 states:

"Any person has the right to the protection of their private life.

The domicile is inviolable. Searches may only intervene in the conditions and the forms provided by the law.

Individual privacy may be breached as part of a criminal investigation when a judicial order is issued. And though the law identifies specific conditions under which such orders may be granted."

Source: [State of Privacy Morocco | Privacy International](#)

Can the police ask me where I am going and why?

Yes they can, but you have the right to remain silent.

Article 23 of the Moroccan Constitution provides that *"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent."*

[Morocco 2011.pdf \(constituteproject.org\)](#)

Reasons the police may detain or arrest you

Proposed Information

It is important to follow this advice:

- The police may arrest you because they suspect you of committing (or having committed) a violation of the law, or if they suspect that you currently have evidence of a crime.
- Sometimes police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case.
- It is a good idea to review any paper from the police/warrant carefully to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of more than three years), a misdemeanor for a less serious crime (with jail time of up to three years) or a violation (offense).
- If the police arrest you, they also have the right to search you. Anything found during this search may be used as evidence against you.

What if I did not do anything illegal, must I speak with the police and answer questions?

Police officers can ask you questions, but you do not have to answer as you have the right to stay silent (Article 23 of the Moroccan [Constitution](#)).

What if the police tell me something they are investigating that is wrong? Must I correct them?

Police officers can ask you to help them in their investigation - you can provide correct information if you want to, but you also have the right not to say anything.

(Art. 23 of the Moroccan [Constitution](#))

What if an officer just begins speaking to me, but does not order me to do anything?

You can choose whether you want to respond and/or answer the officer's questions or not, but you don't have to say anything - you can stay silent if you wish.

(Article 23 of the Moroccan [Constitution](#))

What is the legal difference between talking to the police if they do not tell me I am under arrest versus after they inform me that I am under arrest?

There is no legal difference.

The Police can ask you questions or speak to you, but you do not have to respond as you have the right to remain silent.

If you are arrested, legally the Police have to tell you straight away 1) why you are being arrested (in a way that you understand) and 2) that you have a right not to say anything to them.

(Article 23 of the Moroccan [Constitution](#))

The difference between police TELLING me what to do and asking me to do something.

What is the difference between the police deciding to search me or my belongings (phone, person, backpack, etc.) and me agreeing to the search?

The difference is that police cannot stop, search, and seize anything within your person without a warrant, with the exception of suspicion of the commission of a flagrant (obvious) offence, which allows them to search without a warrant. Otherwise, they would need a warrant.

You may agree to a search with full knowledge of why they want to search you after being formally informed of your legal rights and procedure of how anything seized will be used and stored. The seal can only be opened in the presence of the person from whom it was obtained and their lawyer.

Section 104-105 Criminal Procedure Code [Refworld](#) | [Maroc: Code de procédure pénale](#)

Warrant: "[an official document, signed](#) by a judge or other [person in authority](#), that gives the [police permission](#) to search someone's [home](#), [arrest a person](#), or take some other [legal] [action](#)".

What is the difference between the police telling me to give them information versus them asking and me providing answers voluntarily?

Every detained person is guaranteed a right to remain silent under the Moroccan Constitution, meaning that you may refuse to answer any questions or provide any information.

However, if you are called to testify as a witness, you are required to appear and to testify. It is advisable to provide answers in the presence of a lawyer to avoid giving self-incriminating evidence or making the police record an illegally obtained confession.

Sources: Article 23 of the Morocco Constitution [Morocco 2011.pdf \(constituteproject.org\)](#); Article 110 of the Penal Procedure Code ([Refworld | Maroc: Code de procédure pénale](#))

Do police need a warrant to arrest you?

Proposed Information

It is important to follow this advice:

- No. Police officers can legally arrest you without a warrant in several circumstances, as follows:
 - When the crime is committed in front of the police officers
 - When the officer has probable cause (reason to suspect) that the suspect has committed a felony, whether or not the act was done in front of them.

If I did not do anything, can they stop me?

The officers of the judicial police (*police judiciaire*) can hold persons in custody in police stations only in three situations: in the case of a flagrant offence; during the preliminary investigation and when implementing a judicial order to carry out investigations (*rogatory commission*).

Source: rlibrary.umn.edu/fairtrial/wrft-2an.htm

Can I ask for the reason they stopped me?

Yes. You should be informed about the reason you were stopped in a manner which is understandable to you. You should also receive information about your rights in this situation, including the right not to answer any questions.

Source: Art. 23 of the Moroccan Constitution

[Morocco 2011.pdf \(constituteproject.org\)](#)

Can I advocate for another young person stopped by police if we are stopped together?

No. The law does not provide for such a situation. The law stipulates when a person is entitled to a legal counsel - a legal professional.

Source: Right to counsel [[Morocco - Criminal Defense Wiki \(ibj.org\)](#)]

If I think the stop is unjustified, what can I do?

If there were no legal grounds for your detention - it was unjustified and you may file a complaint to the president of the indictment division.

The president of the indictment division may then perform his own enquiry and if he finds the detention unjustified, he will send the investigating judge the necessary recommendations.

You can also turn to National Human Rights Council. and file a claim there. Indeed, the Council protects human rights and supports victims of abuse by examining - on its own initiative or at the request of the party concerned - cases of human rights violations that are brought to its attention and submitting appropriate recommendations to the responsible authority.

Sources: Article 243 of the Criminal Procedure Code [[Refworld](#) | [Maroc: Code de procédure pénale](#)] and CNDH website: [About us](#) | [Conseil National des Droits de l'Homme \(cndh.org.ma\)](#)

Can I get the officer's identifying information for a future complaint?

As a general rule, the answer is yes.

Indeed, according to the provisions of Article 192 of the traffic code, officers and agents of the national security or royal gendarmerie are provided with a badge displaying, in particular, the first and last name of the officer or agent in question, his or her position, photograph and professional registration number.

In principle, officers have a badge showing their professional registration number allowing them to be identified.

However, when it comes to civil agents, the law does not provide any information on their obligation to identify themselves.

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

- You are under police custody if you do not feel free to leave an officer's presence, or if a reasonable person in your shoes would not feel free to leave.
- If the following happens, you are likely under arrest under the law:
 - an officer handcuffs you;
 - an officer forcibly holds you down;
 - an officer puts you into the back seat of a police car; or
 - an officer warns you about your rights.
- An officer only has to warn you of your rights before the police question you. This means an officer can arrest you before warning you of your rights.
- An arrest without rights warnings is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.

What if I do not know if I am under arrest?

Regardless of whether you are "*under arrest*" or not, you have the same rights under Article 23 of the Moroccan Constitution.

"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent. He must benefit, as well, from juridical assistance and of the possibility of communication with his relations, in accordance with the law."

This means that an officer can ask you questions whether or not you are actually under arrest, but you have the right to remain silent, and you have the right to ask for information related to why you are being detained.

What is the difference between detention and arrest?

Under Article 23 of the Moroccan Constitution "*No one may be arrested, detained, prosecuted or condemned outside of the cases and the forms provided by the law.*"

Also, under the Code of Criminal Procedure, the difference between detention and arrest is unclear. They are used as synonyms.

Section 141.

"Any accused person arrested on the terms of a warrant to bring him who has been held for more than twenty-four hours in the remand prison, without having been interrogated, shall be considered to be arbitrarily detained."

It is important to remember that an *"arbitrary detention"* basically means that it is unjustified.

If I am handcuffed, am I arrested?

The response here may vary on a case-by-case basis.

- Someone could be handcuffed to prevent an act of violence and be released afterwards or be arrested.
- But, in general, handcuffing is an exceptional measure to do when there is a case of resistance to comply with the instructions of the police officer.

The arrest is defined as the apprehension of an individual and physical restraint in order to forcibly take him/her before a law enforcement authority.

In case of resistance to comply with the instructions of the police officers, or in case of violence or threats, the officers may proceed to arrest by handcuffs. It is however an exceptional measure.

In the case of identity verification procedures, an individual is not normally handcuffed, except in case of violence or if the officer considers the person to be a threat (e.g. armed).

If my liberty is restricted, am I under arrest?

Not necessarily.

Basically, it depends on the case. Arrest is the physical restraint with a view to forcibly taking a person before a law enforcement authority.

In theory, Article 66 of the Code of Criminal Procedure states that *"the judicial police officer is obliged to immediately inform any person placed in detention or custody, in a manner that is understandable to him, of the reasons for his detention and of his rights, including his right to remain silent"*.

With this information, an individual can know whether he or she is under arrest.

In other cases, freedom can also be restricted as a preventive measure.

What to do after being warned of your rights

Proposed Information

It is important to follow this advice:

- You can use your right to remain silent or any of your other rights (e.g., the right to an attorney) by saying that you want to use that right.
- You are also able to waive your rights (that is, not use them) by, for example, saying 'Yes, I understand my rights, but I am ready to talk to you.' This is not a good idea without a lawyer present.
- Make sure you know what you're doing in giving up your rights.

How do things change if I am read my rights by the police?

Regardless of whether or not you are read your rights by the Police, you still have the rights under the Moroccan Constitution.

Indeed, Article 23 of the Moroccan Constitution provides that:

"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent. He must benefit, as well, from juridical assistance and of the possibility of communication with his relations, in accordance with the law."

This means that even after you are read your rights, you do not have to share any information with the Police, you have the right to ask why you are detained.

Does it matter where I am when the police read me my rights? (street, station, police car, etc.)

With respect to making statements to the police, it does not matter where you are located when you are read your rights.

Article 23 of the Moroccan Constitution provides that:

"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent. He must benefit, as well, from juridical assistance and of the possibility of communication with his relations, in accordance with the law."

This means that it does not matter where you are read your rights (or even if you are read your rights at that time), you are still entitled to these protections, including the right to remain silent.

Police questioning you

Proposed Information

It is important to follow this advice:

- You are not required to make a statement and must only answer certain basic questions if you are not under arrest.
- If the police have arrested you and if you are under the age of 18, the police are required to immediately notify your parent, caretaker or legal guardian.

Am I required to make a statement?

No, you are not required to make a statement to the Police. The Police have the right to ask you questions and to speak with you but you do not have to answer questions and have the right to remain silent.

Article 23 of the Moroccan Constitution provides, *"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent."*

Must police notify my guardian?

The UNICEF State Report provides a series of basic principles concerning the child's best interest, including the right "to express themselves" and to be "defended" during legal proceedings.

"77. [...] The juvenile court is therefore bound to advise the child's parents or guardian of any legal proceedings against him. If the minor or his legal representative has not designated a

defense counsel, the juvenile court shall appoint a lawyer or ask the President of the Bar Association to do so (Code of Criminal Procedure, arts. 311 and 526).

When a minor brings a civil action suit and has no legal representative, the court may designate a special representative for him (art. 337)."

<https://miro.com/app/board/uXjVOvjkal=/?moveToWidget=3458764526953422087&cot=14>

Must I confess?

No, you are not required to tell the Police anything. The Police have the right to ask you questions and to speak with you but you do not have to answer questions and you have the right to remain silent.

Article 23 of the Moroccan Constitution provides that *"Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent."*

What adults can I ask to be with me?

Regarding the right to counsel during police custody, Articles 73 and 74 of the Code of Criminal Procedure the accused appearing before the prosecutor may designate an attorney to assist him throughout the questioning.

Articles 66 and 80 of the Code of Criminal Procedure also introduce the possibility of access to counsel during questioning with Criminal Investigation Department officers. However, this right is quite limited: the accused may only contact an attorney after the first hour of the custody extension.

The law permits authorities to deny defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or during the initial 24 hours of detention for other charges, with an optional extension of 12 hours with the approval of the Prosecutor's Office.

This means you can ask that counsel or family members be present but there are limitations that exist.

Who do the police have to contact if I am a legal minor?

Parents, legal guardian or custodian shall be informed. The judicial review, which is the verification of the legitimacy of the detention and the conditions of detention, are carried out by the juvenile judge.

Article 526 of the Code of Criminal Procedure states that the juvenile judge shall notify the known parents, guardian or custodian of the proceedings. It can be inferred that to question a minor during an investigation.

In addition, minors have the right to meet with a lawyer from the beginning of the detention (Article 460 of the Code of Criminal Procedure).

How do I contact a lawyer and when?

Proposed Information

It is important to follow this advice:

- **You should always contact a lawyer before making any statements to anyone in a criminal case or investigation.**
- This applies even if you are told that (i) police officers only want to question you and/or (ii) you are only a witness.

[back to top](#)

- While you do have to wait until you attend court to get a lawyer appointed if you cannot afford your own lawyer, you should still ask for a lawyer as soon as you are questioned or arrested by the police. If you are arrested, you have the right to remain silent and to not speak until your lawyer is present.

What if I am just a witness?

A witness at first instance does not need a Lawyer to represent them

An investigating judge may summon, through an agent of the forces of law and order, any person whose deposition seems useful to them by way of formal summons or a letter. Witnesses are to be heard separately and without the presence of the accused, by the investigating judge assisted by his clerk. A report of their statements is recorded and should be ready because the Judge may call out the witness, confront them to other witnesses or the accused and conduct, with their assistance, any operations or reconstructions useful to the truth.

A witness does not appear and after a second summons addressed to him is not answered, the Investigating judge on request of the King's prosecutor can, either by registered letter with acknowledgment of receipt, or by summon notified by an agent of the Notifications Office, compel him to appear by public forces and sentence them.

(Article 109-121 of the Penal Code).

Do the police always have to tell the truth?

Proposed Information

It is important to follow this advice:

- No. The police may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession.
- Sometimes police will lie to try and get you to talk more.

Can the police lie to me?

Article 290 of the Code of Penal Procedure instructs the court to presume that statements prepared by the police are credible, in cases where the defendant faces less than five years in prison ("[Just Sign Here](#)": [Unfair Trials Based on Confessions to the Police in Morocco | HRW](#))

(Article 290 "*The records and reports prepared by officers of the judicial police in regard to determining misdemeanors and infractions are to be deemed trustworthy unless the contrary is proven in accordance with the rules of evidence.*")

Do I have to tell the police the truth?

While you should generally tell the truth, remember that you are not required to tell the police anything. You have the right to say nothing.

While police have the right to ask you questions and to speak with you, you do not have to answer questions and have the right to remain silent.

Article 23 of the Moroccan Constitution provides that "*Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent.*"

REMEDIES: How can I raise concerns about my encounter with law enforcement?

How do I make a complaint if I have questions or feel my rights have been violated?

Under Article 23 of the Moroccan Constitution *"Arbitrary or secret detention and forced disappearance are crimes of the greatest gravity. They expose their authors to the most severe sanctions"*

"Any detained person enjoys the fundamental rights and humane conditions of detention. He must benefit from programs of instruction and of reintegration"

National Human Rights Council (*Conseil National des Droits de l'Homme, CNDH*) acts as an ombudsman (people's defender) for human rights in Morocco. The Council protects human rights and supports victims of abuse by examining- on its own initiative or at the request of the party concerned -cases of human rights violations that are brought to its attention and submitting appropriate recommendations to the responsible authority.

So if you believe your human rights have been violated you can contact the CNDH and file a complaint.

What can you do if the police uses violence during a detention, custody, pre-trial or imprisonment?

The UNICEF State Party Report on Morocco provides that:

"122. [...], during police custody, pre-trial detention or imprisonment following a conviction by the courts, any form of torture, cruel, inhuman or degrading treatment is expressly prohibited."

Remedies:

Art. 122 *"Anyone guilty thereof would be liable to heavy penalties. The Penal Code prescribes particularly severe punishment for any judge, public official or law-enforcement officer who uses or orders the use of violence in the exercise of, or in connection with, his duties (art. 231)."*

Therefore, the use of violence, torture, cruel, inhuman or degrading treatment is punished according to Morocco State Legislation.

If you believe your human rights have been violated, you can also contact the CNDH and file a complaint.

<https://miro.com/app/board/uXjVOvljkal=/?moveToWidget=3458764526953422087&cot=14>

What is an inhuman/degrading treatment?

Inhuman: *"Inhuman treatment or punishment is treatment which causes intense physical or mental suffering."*

Degrading: *"treatment which can affect you physically or mentally and "that is extremely humiliating and undignified"*

[Article 3: Freedom from torture and inhuman or degrading treatment | Equality and Human Rights Commission \(equalityhumanrights.com\)](#)

What if I feel I was a victim of discrimination or racism?

Proposed Information

It is important to follow this advice:

[back to top](#)

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"All incitement to racism, to hatred and to violence is prohibited."

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So if you believe you are a victim of discrimination or racism then file a complaint with the CNDH.

How can a law enforcement agent discriminate me?

Under the Moroccan Constitution Preamble, the State of Morocco commits to ban discrimination *"for reasons of sex, or color, of beliefs, of culture, of social or regional origin, of language, of handicap or whatever personal circumstance that may be;"*(p. 5)

How can I respond to circumstances involving discrimination?

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What can you do if the police perform an improper search? Or I was improperly detained?

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Law is generally described as of July 2024.

[back to top](#)