



MOROCCO:

**Submission to the United Nations Committee against Torture
For the 47th Session of the Committee against Torture (31 October – 25 November, 2011)**

Statement submitted pursuant to ECOSOC Res. 1996/31

by The Advocates for Human Rights, a non-governmental organization in special consultative status, in collaboration with The World Coalition against the Death Penalty, an alliance of NGOs, bar associations, local authorities and unions

I. Introduction

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against The Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 120 NGOs, bar associations, local authorities and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

II. Executive Summary

This Shadow Report informs on Morocco's obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter "the Convention") with regard to its use of the death penalty. Under the Convention, Morocco is obligated to "take effective legislative, administrative, judicial or other measures to prevent acts of torture," including to prevent "acts of cruel, inhuman or degrading treatment or punishment."¹ Additionally, Morocco is under obligation to ensure that where there are

¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 2, 16(1).

reasonable grounds to believe such acts have been committed, to conduct a prompt and impartial investigation.² The government is to ensure the right to make a complaint and have it promptly and impartially examined by competent authorities.³ Finally, the government is to systematically review “interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction” as a means of preventing acts of cruel, inhuman or degrading treatment or punishment.⁴

This Report concludes that certain conditions on death row in Morocco likely constitute cruel, inhumane and/or degrading treatment, due primarily but not solely to mismanagement, and makes recommendations that steps be taken to alleviate such conditions. These steps include both reducing the maximum possible sentence from death to one that is fair, proportionate and respects international human rights standards and allocating more state resources to the prison system to ensure it meets basic international standards,⁵ with the goal of ensuring adequate medical treatment to all prisoners, ensuring adequate nourishment, and further alleviating overcrowding with respect to death row inmates.

III. Current State of the Death Penalty in Morocco in Law and in Practice.

a. Legal Basis for the Death Penalty.

The Moroccan penal code provides for the death penalty, imposed by firing squad, for aggravated homicide, perjury leading to the death sentence, torture, armed theft, arson, endangering national security, espionage and endangering the life of the king.⁶ The Military Code also allows the death penalty as a punishment for treason, desertion, violence and passing information to the enemy.⁷ The legality and appropriateness of the death penalty was a focal point when, in May of 2003, suicide bombers killed 45 people in Casablanca, leading to an anti-terrorism law that “considerably increased the number of crimes subject to the death penalty.”⁸ When this anti-terrorism law passed, however, former Justice Minister, Mohamed Bouzoubaa, publicly declared that he supported a repeal of the death penalty.⁹ Moroccan authorities have generally stated that they support “gradual abolition” of the death penalty, and have pointed to a recent Constitutional amendment as a step in that direction.¹⁰ Indeed, the July 1, 2011 revision

2 Id., Art. 12, 16(1),

3 Id., Art. 13, 16(1).

4 Id., Art. 11, 16(1).

5 U.N. Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977),

6 Mona Chamass, *Fighting against the Death Penalty in the Arab World*, World Coalition against the Death Penalty, 2010 at 20, available at <http://rtladp.org/pdf/WCADP-EN.pdf>.

7 Id.

8 Id.

9 Id.

¹⁰ *Arab Spring at the Heart of World Coalition Debates*, FIDH, Aug. 23, 2011, available at <http://www.fidh.org/Arab-spring-at-the-heart-of-World>.

provides specifically for “the right to life,” and appears on its face to render the death penalty unconstitutional. Mohamed Abdennabaoui, a leader in Morocco’s Ministry of Justice, has said that “[i]f the proposed constitutional amendment that enshrines for the first time the right to life is adopted on 1 July, it will speed up the process to abolish the death penalty” and “I personally am in favor of the death penalty be abolished.”¹¹ The new provision, however, has been criticized by activists for failing to explicitly mention abolition of the death penalty.¹² To some, the amendment is only cosmetic.¹³ Mostafa Znaidi, of the Moroccan Coalition Against the Death Penalty, added that “This is not enough for abolitionists. That article doesn’t ban the death penalty, contrary to other constitutions or the international protocol.”¹⁴ In short, there appears to be skepticism about whether the “right to life” will actually lead to the removal of the death penalty from the Moroccan penal code, despite its plain meaning, an indication that the Moroccan state must take affirmative steps to harmonize penal legislation with this Constitutional provision through abolition.

b. No Executions Since 1993, But Death Sentences Are Still Imposed.

Credible sources indicate that Morocco has executed only one person in the last 25 years. Mohamed Tabet was executed by firing squad on August 9, 1993.¹⁵ Tabet was police commissioner and head of Morocco’s Information Service for the Ain Sebaa/Hay Mohammadi district of Casablanca before being convicted in Casablanca Criminal Court on March 15, 1993 for rape and violence against upwards of 1,600 women.¹⁶ The Supreme Court of Morocco upheld Tabet’s death sentence on August 5, 1993.¹⁷ Prior to the execution of Tabet, no execution had taken place since 1982.¹⁸ Since coming to power in 1999, King Mohamed VI has not signed any execution decrees.¹⁹ Despite the *de facto* moratorium, Morocco still sentences individuals to death. News reports indicate that two individuals were sentenced to death in 2007 for terrorism offenses.²⁰ Also, according to “official figures,” around ten death sentences are imposed every year.²¹

¹¹ Sandeep, *Morocco is moving towards the abolition of the death penalty*, Pisqa, June 25, 2011, available at <http://www.pisqa.com/06/morocco-is-moving-towards-the-abolition-of-the-death-penalty/>.

¹² *Arab Spring at the Heart of World Coalition Debates*, FIDH, Aug. 23, 2011, available at <http://www.fidh.org/Arab-spring-at-the-heart-of-World>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Mohamed Tabet, Morocco: Death Penalty: First known execution in eleven years*, Amnesty International, Aug. 9, 1993), available at <http://www.amnesty.org/en/library/info/MDE29/006/1993/en>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Mona Chamass, *Fighting against the Death Penalty in the Arab World*, World Coalition against the Death Penalty, 2010 at 20, available at <http://rtladdp.org/pdf/WCADP-EN.pdf>

²⁰ *Morocco may abolish death penalty*, BBC News, Jan. 23 2007, available at <http://news.bbc.co.uk/2/hi/africa/6291907.stm>.

²¹ *Mohamed Tabet, Morocco: Death Penalty: First known execution in eleven years*, Amnesty International, Aug. 9, 1993), available at <http://www.amnesty.org/en/library/info/MDE29/006/1993/en>.

IV. Morocco's Treatment of Death Row Inmates Constitutes Inhuman Treatment.

a. Location and Composition of Death Row.

As stated above, Morocco continues to sentence individuals to death, despite having a *de facto* moratorium on executions. Most death row inmates are reportedly detained in Kenitra's Prison Centrale, located about 130 kilometers north of Casablanca.²² As of 2008, there reportedly were about 150 inmates on death row,²³ which is at odds with the "official figure" of 103 reported in 2011.²⁴ It should be noted that most information available about prison conditions and treatment of prisoners, in Kenitra or elsewhere, does not distinguish between death row inmates and the general prison population. Such information, however, may still be relevant to the treatment of death row inmates, as overall prison conditions in this case may generally be imputed to any type of prisoner.

b. Living Conditions at Prison Centrale (and Other Prisons) Are Inhuman.

Article 16 of the Convention against Torture ("Convention") requires Morocco to "undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment."²⁵ Morocco was asked by the CAT, "bearing in mind the moratorium on the death penalty," to "provide information on the number of prisoners sentenced to death, the date of their sentence, the place of detention, whether their sentence has been commuted and the conditions and regime of their detention."²⁶ Reports indicate that conditions at Prison Centrale, where most death row inmates are reportedly detained, as well as other prisons, are dire at best and life-threatening at worst. Prisons are reportedly underfunded, unsanitary, allow abusive treatment, do not provide adequate medical treatment, do not provide adequate nourishment, are overcrowded, and those detained faced a serious risk of experiencing

²² Inter Press Service, "Firing Squads Silent – But Death Hovers," *Africa News* (Aug. 19, 2008).

²³ *Id.*

²⁴ *Mohamed Tabet, Morocco: Death Penalty: First known execution in eleven years*, Amnesty International, Aug. 9, 1993), available at <http://www.amnesty.org/en/library/info/MDE29/006/1993/en>.

²⁵ Convention against Torture, Article 16. *See also id.* at Article 11 ("Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture."); *id.* at Article 12 ("Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction."); *id.* at Article 13 ("Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.").

²⁶ List of issues to be considered during the examination of the fourth periodic report of Morocco, June 20, 2011, U.N. Doc. CAT/C/MAR/Q/4, para. 57.

“death row phenomenon.”²⁷ These conditions constitute cruel, inhuman and degrading treatment under the Convention. The Human Rights Committee (“HRC”) has specifically communicated concern about overly small cell size and lack of proper food and exercise²⁸; and extreme temperatures, lack of ventilation, cells infested with insects, and inadequate time spent outside cells.²⁹ Similarly, the UN Committee against Torture has held that overcrowding of death row inmates is among the conditions that can render detention on death row a cruel, inhuman and degrading treatment.³⁰

i. Prisons Are Unsanitary.

Moroccan Prisons Watch, an independent organization that monitors prison conditions, released a report in 2007 discussing the under-funding of prisons, which reportedly results in an inability to provide “minimum essential sanitary conditions.”³¹ According to journalist Khalid Dimal, Moroccan death row prisoners, and indeed the general prison population, are likely to “suffer from serious illnesses such as asthma and skin and eye diseases as a result of humidity.”³² Dimal also noted that death row inmates were not being issued with clothing or shoes.³³

ii. Authorities Allow Abusive Treatment.

“Morocco has a history of prison abuse” and a commission found “decades of torture, forced disappearances, poor prison conditions and sexual violence.”³⁴ Abdelkebir Goumarra is a death row prisoner at Kenitra Central Prison and he represents the nearly 3,000 people arrested for the May 2003 suicide bombing in Casablanca. Goumarra states that, upon arriving in prison,

²⁷ These conditions constitute cruel, inhuman and degrading treatment. The Human Rights Committee (“HRC”) has specifically communicated concern about overly small cell size and lack of proper food and exercise; and extreme temperatures, lack of ventilation, cells infested with insects, and inadequate time spent outside cells. Similarly, the UN Committee against Torture has held that overcrowding of death row inmates is among the conditions that can render detention on death row a cruel, inhuman and degrading treatment.

²⁸ Human Rights Committee, Concluding observations on Uzbekistan, U.N. Doc. CCPR/CO/71/UZB, April 26, 2001, para. 10.

²⁹ *Safarmo Kurbanova v. Tajikistan*, Views of the Human Rights Committee, Communication No. 1096/2002, U.N. Doc. CCPR/C/79/D/1096/2002, Nov. 12, 2003, para. 7.8.

³⁰ Committee against Torture, Concluding observations on Zambia, May 26, 2008, U.N. Doc. CAT/C/ZMB/CO/2, para. 19.

³¹ Thijs Bouwknecht, *Moroccan prisoners on death row face “life threatening” conditions*, Radio Netherlands Worldwide, Aug. 20, 2008, available at <http://www.rnw.nl/international-justice/article/moroccan-prisoners-death-row-face-life-threatening-conditions>.

³² *Id.*

³³ *Id.*

³⁴ *U.S. interrogation tapes from secret prison* found, USA Today, Aug. 17, 2010, available at <http://cc.bingj.com/cache.aspx?q=morocco+prison+abuse&d=4707636657915831&mkt=en-US&setlang=en-US&w=8cddf381,bbfcb197>.

he was stripped, “made to sit on a coke bottle” and tortured for seven days.³⁵ Despite being illiterate, he was forced to sign documents that he did not understand. “Human rights groups say prisoners are routinely held in secret detentions and subjected to mistreatment—and sometimes torture—while under interrogation in Morocco.”³⁶

iii. Death Row Prisoners Are Denied Adequate Medical Treatment and Nourishment.

On February 5, 2004, the Committee against Torture (“CAT”) issued its conclusions and recommendations regarding Morocco, several of which specifically concerned prison conditions.³⁷ Paragraph 5(h) expressed the CAT’s concern over “[t]he number of fatalities in prisons.”³⁸ In response to the CAT’s concern about the number of deaths in Moroccan prisons, Morocco responded by quoting figures: 148 deaths recorded in 2008, “the majority of which were due to natural causes, suicides or deaths caused by other inmates,” versus 40 deaths recorded in 2009.³⁹ The report does not attempt to explain the discrepancy.

Reports indicate that prison authorities “often fail to provide adequate medical treatment” to prisoners on death row.⁴⁰ Although not necessarily limited to death row, a 2005 annual report by the Moroccan Prison Observatory (OMP) stated that 124 inmates died in prison.⁴¹ “The cause of death for 36 of them is linked to heart disease, 30 with other lung disease, while a dozen suffered from various infections and especially digestive cancer.”⁴² The budget for purchase of drugs in prisons reportedly does not exceed 400,000 Dirham (about \$48,646 U.S. dollars or €35,652 Euros),⁴³ while the budget for medical supplies is even smaller.⁴⁴ According to journalist Khalid Dimal, “It’s up to the whim of prison authorities whether medicines are authorised, and when they are issued, it is always cheap medicines and weeks late.”⁴⁵ The Moroccan Prisons Watch report also highlights serious under-nourishment of prisoners, another

³⁵ Scheherezade Faramarzi, *Inmates speaks of life in Morocco prison*, Mail & Guardian, 11 May 11, 2006, available at <http://mg.co.za/article/2006-05-11-inmates-speak-of-life-in-morocco-prison>.

³⁶ *Id.*

³⁷ Committee against Torture, Concluding observations on Morocco, 5 Feb. 5, 2004, U.N. Doc. CAT/C/CR/31/2.

³⁸ *Id.*

³⁹ Consideration of reports submitted by States parties under article 19 of the Convention (5 November 2009) U.N. Doc. CAT/C/MAR/4.

⁴⁰ Thijs Bouwknecht, *Moroccan prisoners on death row face “life threatening” conditions*, Radio Netherlands Worldwide, Aug. 20, 2008, available at <http://www.rnw.nl/international-justice/article/moroccan-prisoners-death-row-face-life-threatening-conditions>.

⁴¹ Leila Hallaoui, *Davantage de décès dans les prisons (Aujourd'hui le Maroc)*, *Le Maroc contre*, Nov. 21, 2006, available at <http://peinedemortamaroc.over-blog.com/article-4633799.html>.

⁴² *Id.*

⁴³ Currency convertor at <http://www.xe.com> (last accessed Oct. 11, 2011).

⁴⁴ Leila Hallaoui, *Davantage de décès dans les prisons (Aujourd'hui le Maroc)*, *Le Maroc contre*, Nov. 21, 2006, available at <http://peinedemortamaroc.over-blog.com/article-4633799.html>.

⁴⁵ Thijs Bouwknecht, *Moroccan prisoners on death row face “life threatening” conditions*, Radio Netherlands Worldwide, Aug. 20, 2008, available at <http://www.rnw.nl/international-justice/article/moroccan-prisoners-death-row-face-life-threatening-conditions>.

result of prison mismanagement.⁴⁶ The Department of State reports further that “[a]lthough prison authorities provided meals to prisoners three times per day, the amount of food provided was inadequate, and families and friends regularly supplemented prisoners’ diets.”⁴⁷ This report is corroborated by a 2009 story of an American held in a Moroccan prison for 13 months on drug trafficking charges, and who reported upon his release that “food was terribly scarce,” that “[i]nmates ate only what their families brought to the jail,” and that he “first survived off occasional potatoes or carrots fellow prisoners could spare . . . until care packages from his family occasionally made it through.”⁴⁸

iv. Prisons Are Overcrowded.

Paragraph 5(i) of the CAT’s 2004 Concluding Observations regarding Morocco expressed concern over “[p]rison overcrowding.”⁴⁹ In paragraph 6(k), the CAT further recommended that Morocco “provide information on . . . the measures taken by the authorities to find solutions to the problems of prison overcrowding . . .”⁵⁰ In response to these concerns, Morocco states that “[t]he prisons administration has taken a series of measures to improve the condition of inmates and penitentiary establishments with an increased budget.”⁵¹ Morocco states further that it has “adopted a two-pronged policy to deal with the issue [of overcrowding]. The first involves a drive to rationalise decisions to detain individuals. . . . The second policy aims at expanding the capacity of prison establishments through a programme for building new institutions to cover the needs of all courts of first instance. The objective is to build prisons that meet the standards where every inmate would have three square metres.”⁵² Further, “[e]ight new prison compounds have been constructed since 2001 with a total surface of 27,000 square metres.”⁵³

The 2011 U.S. Department of State Report on Morocco indicates that prisons in Morocco, generally, “were overcrowded, resulting in poor hygienic conditions.”⁵⁴ The report states that “[Morocco’s] 60 prisons held approximately 61,405 inmates as of August 31, allowing approximately 16 square feet per inmate,” but that this is “far short of the international standard of 97 square feet.”⁵⁵ Further, “the adult prison system operated at roughly 133 percent

⁴⁶ Id.

⁴⁷ 2010 Human Rights Report: Morocco, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 2010, at 6.

⁴⁸ *Thrown into a Moroccan Jail*, globalpost, 6 Aug. 6, 2009.,

⁴⁹ Committee against Torture, Concluding Observations on Morocco, Feb. 5 2004, U.N. Doc. CAT/C/CR/31/2.

⁵⁰ Id. at 28.

⁵¹ Consideration of reports submitted by States parties under article 19 of the Convention (5 November 2009) U.N. Doc. CAT/C/MAR/4.

⁵² Id.

⁵³ Id.

⁵⁴ 2010 Human Rights Report: Morocco, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 2010, at 5.

⁵⁵ Id.

capacity.”⁵⁶ Morocco has acknowledged that “providing adequate care was difficult given the overcrowded conditions” and that prisons in cities such as Casablanca “are especially overcrowded due to the refurbishment of nearby prisons.”⁵⁷ The report does not indicate how much of this space is allocated specifically for death row inmates, but note should be made that death row inmates and other prisoners are mixed together. Further to the above, Morocco is reportedly redrafting the penal code to “allow for parole and probation.”⁵⁸ Such a measure, though it obviously would not result in early release of death row inmates, could improve death row inmates’ living conditions by relieving crowding caused by those who are eligible for parole and probation.

v. Death Row Prisoners Are At Risk of “Death Row Phenomenon.”

“Death row phenomenon” is the deterioration of prisoner’s mental condition as a consequence of psychological tensions suffered during prolonged detention on death row or due to prolonged delays in the execution of the sentence that can be imputed to States’ faulty procedures.⁵⁹ It is no surprise that death row phenomenon is a serious threat to detainees in Morocco. The *de facto* moratorium on executions means that death row detainees are held indefinitely while debates on the death penalty linger and the likelihood of actually being executed remains in flux. Mohamed Kouhlal, a writer specializing in human rights issues, stated that “[t]he ever-present threat of execution for those on death row is . . . causing serious mental illness.”⁶⁰

c. Morocco’s New Prisons.

Morocco was also asked specifically by the CAT to “provide information on the current status of the programme to renovate prisons and to build new institutions and the commission responsible for the administration of prisons and the reintegration of prisoners (mandate, budget, composition, activities and achievements”⁶¹ To Morocco’s credit, some reports indicate that Morocco is actually building new prisons that will house death row inmates. Yann Barte, a journalist in Casablanca, runs a web site uniquely devoted to the issue of the death penalty in Morocco.⁶² On this site, Barte reports that the General Delegation for Penitentiary and

⁵⁶ Id.

⁵⁷ Id.

⁵⁸ *Wikileak Cable on Prison Conditions in Morocco Released*, MoroccoBoard, Dec. 21, 2010, available at <http://www.moroccoboard.com/news/5004-wikileak-cable-on-prison-conditions-in-morocco-released>

⁵⁹ *Francis v. Jamaica*, Comm’n No. 606/1994, U.N. Doc. CCPR/C/54/D/606/1994 (1995), para. 9.2 (finding violations of Articles 7 and 10(1) where the Jamaican Court of Appeal failed to issue a written judgment for more than 13 years despite several requests by prisoner and the prisoner was exposed to humiliating treatments by warders, inadequate prison conditions, and lack of adequate psychological treatment).

⁶⁰ Inter Press Service, “Firing Squads Silent – But Death Hovers,” *Africa News*, Aug. 19, 2008.

⁶¹ Consideration of reports submitted by States parties under article 19 of the Convention, June 20, 2009, U.N. Doc. CAT/C/MAR/Q/4 at para.56.

⁶² Mona Chamass, *Fighting against the Death Penalty in the Arab World*, World Coalition against the Death Penalty, 2010 at 22, available at <http://rtladdp.org/pdf/WCADP-EN.pdf>

Rehabilitation is implementing plans to “modernize” Moroccan prisons, and that a new prison 30 kilometers from Safi is soon to be inaugurated.⁶³ This and other prisons are designed to receive prisoners who carry death or very long sentences.⁶⁴ This news is consistent with the U.S. Department of State Report on Morocco, which indicates that “[t]he [Directorate General for Prison Administration] secured additional funds during the year to build new facilities, reduce crowding and increase living space per inmate, improve health care and other conditions, and improve security.”⁶⁵ This and other new prisons should be built and aspire to comply with the UN’s Standard Minimum Rules for the Treatment of Prisoners. These standards are highly detailed and call for prisons to “meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”⁶⁶ Further, “sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner,” and “[e]very prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength . . .”⁶⁷ These standards also include a multitude of clauses related to the provision of medical care and treatment.⁶⁸

V. Recommendations.

Morocco is one of the more progressive members of the Arab League when it comes to its views on the death penalty as a form of punishment.⁶⁹ This is illustrated in part by the 2011 constitutional amendment providing for the “right to life.” But the Moroccan government appears to be split between, on one hand, a progressive repeal of the death penalty altogether, and on the other hand, a need to severely punish and deter terrorist attacks that threaten to undermine Morocco’s reputation as a safe tourist destination for Westerners. However slowly the abolitionist movement advances, there are measures that the Moroccan government is obligated to take under the Convention to prevent further inhuman treatment of those who are sentenced to death, including, most importantly, improving the living conditions of those on death row. The Advocates for Human Rights and the World Coalition against the Death Penalty respectfully suggest that the Committee recommend that Morocco take the following measures:

⁶³ MAROC / nouvelles prisons pour les détenus dangereux, Afrik.com, available at <http://peinedemortamaroc.over-blog.com/article-maroc-nouvelles-prisons-pour-les-detenus-dangereux-afrik-com-83362330.html>.

⁶⁴ *Id.*

⁶⁵ 2010 Human Rights Report: Morocco, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 2010, at 5.

⁶⁶ U.N. Standard Minimum Rules for the Treatment of Prisoners adopted Aug. 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977), at 2.

⁶⁷ *Id.* at 2-3.

⁶⁸ *Id.* at 3-4.

⁶⁹ Only Djibouti has abolished the death penalty outright.

1. Replace the Death Penalty with a Sentence that is Fair, Proportionate and Respects International Human Rights Standards.

As outlined above, Morocco is purportedly on the path towards total abolition of the death penalty. Activists within the region, however, have publicly declared skepticism that the government is ready to eliminate the death penalty altogether. Morocco should erase the death penalty from its penal code, especially now that it is plainly at odds with the constitutional provision that provides for the “right to life,” and replace it with a sentence that is fair, proportionate and respects international human rights standards. Current death sentences should be commuted.

2. Continue to Build New Prisons and Take Additional Measures to Alleviate Overcrowding That Are in Compliance with International Standards.

Reports indicate that Morocco has openly acknowledged the overcrowding problem and is in the process of reallocating funds to the prison system and building new prisons. These are positive steps in the right direction, but it will take a continued and concentrated effort given that the country has approximately twice as many prisoners as it has capacity for, and given that death row inmates are at least partially comingled in this population. Morocco should similarly continue to evaluate parole and probation as alternatives to imprisonment for more minor offenses, and to make available more space in prisons for those serving longer sentences.

3. Improve the Availability of Medical Treatment and Nourishment.

Morocco should devote more resources towards providing adequate medical care and treatment of its death row prison population. This includes resources for both treatment of physical illness and psychiatric care, in accordance with the United Nations’ Standard Minimum Rules for the Treatment of Prisoners. Prisoners on death row may be in particular need of additional psychiatric care resources due to the serious danger of experiencing death row phenomenon. Similarly, Morocco must devote more resources to ensuring that its death row prison population has adequate nourishment and that they are not relying on outside family members and friends to provide food.