

Thank you Mr Chair,

My name is Joubair EL IDRISSI, I am a law student from Morocco. I would like to note that since I do not belong to any NGO, or political movement, my presence today in your honorable forum is only to express my point of view as a Moroccan citizen regarding certain situations in my country.

Before I start, it is necessary to note that there is no conflict between communities in my country, and that significant improvements have been made regarding the criminal justice legislation. Yet, there are areas to improve upon in order to ensure a fair judicial process for everyone.

The first particular group I would like to talk about is the migrant community in Morocco.

Giving the economical and political context of the region, Morocco has become a land of transit and asylum for many Sub-Saharan migrants, and these migrant communities have become new minorities. It is necessary to note regarding this matter that the Moroccan government has launched for the second time a massive legalization campaign for migrants, and this, of course, has a positive impact.

Yet, according to the report of the UN Working Group on Arbitrary Detention, and the report of the National Human Rights Council, both of the bodies received allegations that migrants are sometimes subjected to violence, discrimination, and ill-treatments by the police and border forces. General problems in the criminal justice system, according to the National Human Rights Council can impact negatively on the judicial process. Therefore, there are concerns about the treatment sub-Saharan migrants might face in the criminal justice system, especially, if effective access to justice is not provided:

- During custody, there is an issue of access to legal aid: for example access to lawyer services is only granted after one hour of being brought to custody, and the questioning only lasts for 30 minutes under the watch of a police officer
- There is also an issue with access to medical expertise: according to the National Human rights Council, only 13 forensics doctors are currently recognized by the Moroccan courts, and only one forensics medical facility in the whole country is dedicated to this specialty;
- During detention, a general lack of mechanisms to prevent ill treatments can make migrants more exposed to such practices.

The second issue I would like to raise is the linguistic problem that some Moroccan Amazigh might face during their trials. Although the Amazigh language has been recognized as an official language in the 2011 constitution, and the royal instructions have been given at the last opening of the parliamentary session to set a legal framework for the use of Tamazight language in the end of the present legislature, there are measures to be taken as soon as possible.

Articles 47 and 120 of code on criminal procedures provide for the right to an interpreter services or anyone who can speak the same language in cases when the defendant speaks a language that the judge or the prosecutor cannot understand. Although the understanding of the “Darija”, which is the Moroccan dialect is widely spread through the territory, it is necessary to note that there is a small part of the population who only speaks the Amazigh language and thus they could

find themselves in a difficult situation if not being helped by an official interpreter, which could endanger their right to a fair trial.

Given the previous developments, and with a spirit of cooperation:

Regarding the migrants' situation, I would like to underline the importance of the draft recommendation N°49 regarding the risks of ill treatments on Sub-Saharan migrants, and the draft recommendation N°29 regarding the access to legal assistance, and regarding the Amazigh situation I would like to highlight the significance of draft recommendation N°29.

To finish this intervention, I would like to say that in my opinion, justice needs continuous work. And that the Moroccan criminal system is not unfair but rather incomplete. And instead of waiting for another Arab spring to start the reform process, and taking the risk to endure all its consequences, it is necessary to act now and build a nation as democratic as possible.