



British Embassy
Rabat

Information Pack for British Prisoners in Morocco 2015

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Introduction

Who can we help?

The Foreign and Commonwealth Office (FCO):

The FCO is represented overseas by its Embassies and Consulates (High Commissions in Commonwealth Countries). Both employ consular officers, and one of their duties is to provide help and advice to any British National who gets into difficulty in a foreign country.

About the Embassy

We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. The attached list of lawyers is provided by the British Embassy for your convenience, but neither Her Majesty's Government, nor any official of the Consulate, take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given.

We cannot get you out of prison, pay fines or stand bail or interfere with local judicial procedures to get you out of prison nor secure you an earlier trial date; we cannot investigate a crime.

We have tried to make sure that the information in this booklet is accurate and up to date, but the British Embassy cannot accept legal responsibility for any errors or omissions in the information. If in doubt contact a lawyer.

Who are the Consular Representatives?

We have a team of consular representatives throughout Morocco. They are located in Tangier, Rabat, Marrakech and Agadir. You can contact our consular team on the details below.

Contact Information

British Embassy
28 Avenue S.A.R. Sidi Mohammed
Souissi, BP 45 Rabat
Morocco

Tel: 0537 63 33 33 (24/7 service)

Fax: 0537 75 87 09

Email: Rabat.Consular@fco.gov.uk

Working Hours are Monday to Thursday 0800 – 1615 and Friday 0800 - 1300

First Steps

Who will know I have been detained?

It is essential that you inform the British Embassy or Consulate as soon as possible after your arrest. It is your right to do so. After your arrest, the Moroccan authorities must inform the British Embassy within 48 hours of your arrest and detention. In certain areas of Morocco the Consul will be informed within hours of your arrest, in others delays of up to four days have been reported. We may be informed much more quickly by friends or relations of the detainee. We will aim to make contact with you within 24 hours of being notified.

What will my family be told?

For reasons of confidentiality we will not tell anyone that you have been detained or what the charges are without your permission.

What will the Consulate do?

If you have no belongings and no money, the Consul may be able to supply you with an initial basic toiletries pack.

Under international law, if you hold dual British and Moroccan nationality and are imprisoned in Morocco, we cannot formally provide you with consular assistance. However, Consular staff will provide whatever informal assistance the local authorities will allow. Your relatives and friends can contact the Foreign & Commonwealth Office in London at the above details for advice.

Will I have a criminal record in the UK?

You should be aware that if you have been convicted for certain serious offences, such as sexual assault or drugs trafficking, we are obliged to inform the UK police. It is therefore possible that information about this offence may appear if a Criminal Records Bureau check were carried out by a prospective employer.

Visits

How do my family and friends arrange a visit?

Prison visits are restricted to immediate family members only. These include spouse/partner, parents, siblings and children. Requests from non related family members are likely to be refused. A written request for each visit will be made by the Consular Section to the Ministry of Justice in Morocco. We will require the full names, details of British passport numbers and the dates of each visit. We require a minimum of 4 weeks' notice.

How many visits am I allowed?

There are no restrictions on the amount of family visits, although, visits on consecutive days are not normally permitted. The prison is closed on national holidays.

Consular visits

Consular staff will visit prisons once every three months, though if there is an emergency they will make a special visit. A Chaplain from the English Anglican Church may also make visits. Other religious groups also visit prisoners, but they tend to be French, Spanish or Italian speakers.

Visits can last from ten minutes to two hours, depending on the prison Director and the guards. In prisons where foreigners are held 'open' visits may be allowed. This means you can sit either side of a table, though guards will still be present. Marital visits are possible between married prisoners, though they are prone to disruption and there is little privacy.

It is advisable to give family and friends as much information as you can about,

- what to expect on arrival in Morocco
- what happens when they reach the prison
- everything you know about the 'do's and don'ts' of visiting (e.g. women visitors should make sure their clothing covers them as much as possible).

Bear in mind how different Morocco is from Britain – especially for a first-time visitor who has possibly not travelled much. The 'culture-shock' plus the sight of you in a prison visiting area with guards all around, is likely to prove a distressing experience. More detailed information for people wishing to visit prisoners can be found in the section '**Keeping in Touch**' but it will help to make their journey less stressful if you find out certain things beforehand. For example,

- How long in advance of their trip should they make contact with the Embassy?
- What bureaucratic procedures can they expect?
- Do they need to give notice of a visit to the prison authorities or will the Consul do it?
- How many visits can be arranged?

A few other useful tips are to:

- Pass on the name of the consular staff member your have most contact with.
- Find out if this is the best person to inform of intended visiting dates
- Check that visiting days and times have not changed
- Find out how long ordinary visits last, and if 'open' or marital visits are allowed? If so, when and for how long?
- Let them know what they can bring in for you (i.e. locally bought tobacco, but not duty-free)
- Check if non-relatives and children can visit too

(Bear in mind that all these things vary from prison to prison).

What can visitors bring?

There are restrictions on certain types of food products that can be brought into prison.

All meat must be pre-cooked. No alcohol is permitted.

Food stored in glass jars or tins are not allowed.

All medicines must be approved by the prison doctor.

Fruit that can ferment such as grapes will not be allowed into prison.

No recording electronic equipment is allowed.

Cooking utensils such as frying pans and saucepans must be pre-authorized.

Food emptied from its original packaging into plastic bags or containers should be clearly marked with its contents.

Reading material should not contain any reference to offensive, blasphemous, religious or sexual behaviour.

This list is by no means exhaustive and can change without notice depending on the officer in charge. Families should contact the FCO in advance of their visit so we can provide them with an updated list of unrestricted items.

Prison conditions/services

In this chapter you will find information on daily life in a Moroccan Jail. Ex-prisoners say that nothing is guaranteed, things can change on a whim, so the advice of more experienced prisoners, plus your own common sense, is essential for survival.

Arrival at police station

You may be kept in police cells for a minimum of 48 hours, longer if you have been detained over a weekend. Police cells are very basic with limited access to washing or toilet facilities. You will be interviewed by Police officers and expected to make a process verbal (PV) which acts as your statement of events and will be used as evidence in any future court proceedings. The PV will be written in Arabic. **DO NOT SIGN ANYTHING YOU DO NOT UNDERSTAND.** You are allowed access to translators and Consular officials. You will then be advised by police if your case is being referred to the First Tribunal. At the Tribunal your case is heard by a panel of 3 judges, there is no jury system in Morocco. At this point you should have legal representation. A list of lawyers will be provided to you by Consular Staff. You may then be remanded in custody until a second hearing and transferred to the local prison.

Arrival at prison

On arrival at the prison you will be asked to surrender any personal items such as your passport, money and credit cards which will be kept until your release. You will be allowed to keep your own clothes. You will then spend your first weeks on remand normally in a chamber with many other prisoners of all nationalities and who are being held on a variety of charges. There is no segregation amongst prisoners. It is likely that you will sleep on the floor in a very crowded environment. Access to bathrooms is very limited with one bathroom shared between many. During your remand you will have access to your lawyer and consular team. Telephone calls home are made using pre-paid phone cards which you may need to ask your lawyer to bring for you.

General prison conditions

There are forty prisons in Morocco, built to hold 18,000 people. In reality more than 40,000 are behind bars. The biggest prison is Oukacha at Casablanca, which currently holds about 8,000, including 900 women. The most crowded is Tangier, holding up to five times its capacity. Prisoners are mixed together, regardless of their crimes. Most foreign prisoners share cells. Overcrowding is normal – typically 30 men share a cell meant for 18. How bad it is depends on where you are – some prisons have dormitories with anything from 60 to 150 men in one room, and overcrowding can be worse in the women's sections.

Mosquitos, cockroaches and rats are common. Sanitation is a tap and a hole-in-the-ground toilet inside each cell. Daily cold showers are usually available, but with hundreds using a few showerheads, many people find it easier to wash in a bucket in their cell. During the summer months water can run short. Hot water is sometimes available, if you pay. **(Note: nakedness, even in the shower, is taboo in Morocco).**

Prisoners sleep on the floor, lying on a bed-roll or thin mattress, which can be bought from a guard or a prisoner about to be released. Blankets may be supplied but sheets are not, though you can get them if you pay. You are strongly advised to buy new bedding if you can afford it, as this will greatly reduce the risk of skin infections and lice. You should regularly check your clothing and bedding anyway – no matter how clean you are, infestation from other prisoners is a real problem. The temperature tends to be either very hot or very cold. You have to wear your own clothes, so it is important to have both light and warm clothing.

In older jails, where there are fewer facilities, prisoners are locked up for as much as 23 hours a day. In the newer prisons there is generally more free time, with lock-ins from 5 pm to 9 am. It is normal practice for cells to be locked around the clock at weekends.

As a result, rioting is very rare. The most common way that prisoners protest is by going on hunger strike. In reality, you are more likely to suffer from poor diet, lack of privacy, boredom and loneliness than brutal treatment, which is directed mostly at Moroccans. Incidents of verbal abuse from guards have been reported, and some women prisoners have suffered sexual harassment. If you experience serious harassment, threats or violence you must report it to the consular staff as soon as possible. It is their responsibility to take up allegations of mistreatment made by British nationals. Even the suggestion that you will be reporting to the Consul can make a difference to how you are treated.

Theft can be a problem, as most Moroccan prisoners are literally penniless. For example, laundry is often stolen, so some people pay Moroccans (in cigarettes, usually) to do their washing and guard it while it dries.

Islam influences all aspects of Moroccan life, including attitudes to crime and punishment, especially drug trafficking. Islamic ritual and prayer are part of daily life, in prison as much as outside. During Ramadan both prisoners and guards go all day without eating, drinking or smoking. Tempers can be short, so don't get drawn into any disagreements – remember that you are the foreigner and it is their country.

Prison life tends to be less harsh for foreign women. Some have found that they have a higher level of respect within the prison 'pecking order', and that Moroccan inmates are friendly and helpful. Women who give birth in prison are transferred to a maternity ward for the birth, and may keep the child with them until it is four years of age. Whenever possible, they are allowed to live in a cell separate from other prisoners.

Some prisoners find the mental pressure harder than the physical condition. It has been remarked that it's difficult to avoid breaking prison rules because "the guards make them up as they go along". If you do break the rules you risk being put in solitary confinement, though it happens less often to foreigners. Fighting is a punishable offence, as is drug-taking or dealing. The worst punishment is the *fallakah* (beating on the soles of the feet). Again, foreigners are far less likely to be beaten than locals. There have been reports that complaints about ill-treatment are not taken seriously by prison officials and never reach the Director. If you feel you have a justified complaint, you should let the Consul know at the earliest opportunity.

How can I receive money?

If your family/friends wish to transfer any money to you, we can advise them how they can do so and how the money will reach you and be able to be spent within the prison. Money for prisoners should be sent to:

Accounts Receivable
The Foreign & Commonwealth Office
Corporate Service Centre
PO Box 6108
Milton Keynes
MK10 1PX

We recommend that you use Recorded or Special Delivery. Please ensure that you include a note briefly explaining who the money is for and why. (Alternatively you may use the payment slip on next page.)

If you would like a receipt, please include a stamped self addressed envelope.

Please note that personal cheques can take up to 15 working days to process and clear before we can advance funds. We do not accept Card payments, or cash sent in the post. If you wish to pay by cash, you can take the money to our offices at Northgate House, Milton Keynes but will need to telephone first to make an appointment.

To: Foreign and Commonwealth Office

Date:

Please find enclosed funds for:

Full Name:

Country/place the above is in:

Amount enclosed:

Fee to be deducted:

Payment method:

My name is:

My address is:

ELECTRONIC BANK TRANSFERS: Contact your bank to arrange.

A "BACS" transfer usually takes 3-5 working days to clear in our account. Some banks do not charge for this service. If you have internet or telephone banking you may be able to arrange without visiting your bank.

A “CHAPS” transfer is usually received in our account within 12-24 hours. You will normally need to visit your bank to arrange and banks normally charge for this service.

For both the above bank transfers you will need to include the following details:

Bank: Citibank
 Acct Name: GBS Re FCO Multivote Account
 Sort Code: 08-33-00
 Account Number: 12537125
 Reference: Name of the person you are sending the funds for, plus country name
 e.g. JOE SMITH – THAILAND

You may also need our bank address which is: Canary Wharf, London E14 5LB.

Ex-prisoners all say the key to survival is money – in Moroccan prisons you pay for everything. If your family cannot support you, the charity Prisoners Abroad may be able to send you a small grant every quarter for essentials. Consular staff will discuss the support available from Prisoners Abroad at your first visit.

Money received from the UK will be deposited into your prison account. Please note that consular staff cannot be responsible for the loss of funds by the Prison Authorities. The British Embassy/Consulate does not provide financial support for British nationals in prison abroad.

Can I work or study in prison?

Generally there is no work for foreign prisoners, although some Britons have reported that unpaid jobs are available e.g. in the kitchen. You may need the help of the Consul to be assigned work, so speak to the consular visitor if you want to work.

Very few Moroccan prisoners or guards can speak English, so it is a good idea to learn French or Arabic. French is the second language of the country and is spoken in all prisons, plus Spanish in the north. A language will help you to understand what’s going on, communicate your needs and also ease the boredom and mental isolation of prison life.

There is also the possibility of funding for education courses through Prisoners Abroad. If you are interested, you should write for further information (address below).

Can I receive medical and dental treatment?

Standards of healthcare are low. Poor sanitation, inadequate ventilation, extremes of temperature, bad food and people sleeping “like sardines in a tin” combine to help the spread of infections. Colds and stomach bugs are common, and in recent years there have been reported outbreaks of tuberculosis (TB) and even cholera. TB has been described as “rife”. In Morocco it is not a “notifiable disease”. If you suspect someone in your cell has it (the symptoms are described in the health chapter) you should report it to the Consul, who can ask that they be moved.

Prisoners are generally wary of being treated in the prison infirmary due to needles being re-used. This increases the risk of Hepatitis B or HIV infection. Another possible route of infection is the practice, by some Moroccan prisoners, of cutting themselves.

Dental problems are also common. The standard of treatment varies – in Salé there are two dentists and prisoners can be seen once a week, whilst in Tangier treatment is limited to pulling teeth.

There is no gynaecological service as such. If the general doctor cannot treat an infection it is possible to be referred to an outside doctor. Ask the Consular visitor about a referral. (Sanitary towels and tampons can be ordered through the grocer).

Depression troubles some prisoners. Feelings of isolation are normal, especially if you don't speak French or Arabic. The lack of mental stimulation, and facing up to a long sentence can also affect your mental state. When you have a consular visit it is up to you to explain exactly how you are feeling, mentally and physically.

The range of medicines available free varies from prison to prison. Salé has a list of drugs that are dispensed without charge (depending on stocks) whilst in Tangier you will have to pay for everything. The prison doctor can prescribe medicines to be bought by the consular staff on your behalf, although you must have funds to cover the cost. If you are in a prison some distance from consular services e.g. Tetouan, it makes sense to keep some money in the prison *cantine* (shop) so the authorities can buy medicine for you should you fall ill. Prisoners Abroad has a medical fund for prisoners with no money at all. It can help with paying for essential medical or dental treatment. PA also runs a vitamin programme which enables the Embassy to bulk-buy multivitamins for supply to British nationals.

Food and Diet

A typical prison meal is soup and bread, sometimes with vegetables boiled to a pulp. "Eat it at your own risk" one ex-prisoner commented. You will need extra food and vitamins to maintain basic health.

Moroccans have cooked food brought in by relatives and some foreigners make informal arrangements to buy their extra food. Others form 'food groups' to share food costs and cooking. This is a good way to get variety in your diet. The prison *cantines* stock tinned and dry goods, soft drinks and bottled water. In Salé you can order fresh fruit, bread, milk and eggs. In Rabat and Tangier, consular staff make arrangements with local grocers to deliver fresh food and a range of other goods. Your family can send money to the Embassy to be held in an account to pay for it (see below). You may need to purchase your own one ring electric cooker and cooking pots and utensils.

Mail/Parcels

You can receive and send mail directly. There are no restrictions on the amount, but there are rules about what you can and can't receive. All letters are censored and you might have to pay a guard to receive a parcel. Also, post sometimes doesn't get through; both letters and parcels go astray. If it happens to you, report it to the consular staff and they will make enquiries at the prison. However, the postal system is not reliable and there will be occasions when there is nothing that they can do. Tell people to put your full name and prison number on the outside and to number letters in sequence. If you do the same you can keep track of anything that goes missing. Letters but not parcels can be sent via the Embassy or Consulate to be brought in on visiting days. The Embassy no longer accepts parcels due to abuse of the system in the past. Any received will be returned to the sender.

You can have clothing sent to you but not tobacco. Magazines, books and newspapers are permitted, though they will be looked at and may be censored. Nude pictures are strictly forbidden. In at least one Moroccan jail you are obliged to place books in the library.

In some prisons you must write letters on prison paper, in others you will have to provide your own stationery. Although you are allowed to write in English, letters are subject to censorship. This means that if no member of local prison staff is able to translate them, they will be sent to Rabat for translation before posting. Prisoners Abroad can supply you with International Freepost envelopes so that you can write to your friends and family without having to pay for postage.

Can I make telephone calls?

It is possible to make telephone calls using pre paid telephone cards, with limits on when, where to and for how long. Usually one call a week is permitted (in Tangier it is for five minutes only) but the rules are subject to change. Numbers have to be cleared with the prison authorities through the consular staff.

It is best to give family and friends a range of dates and times when you will try to ring. Hundreds of prisoners want to make phone calls at the same time, so be prepared for a long wait and the likelihood of disappointment. You can order phone cards along with your groceries.

Leisure and entertainment

There is no provision for recreational activities for women in Moroccan prisons, Tangier, for instance, has a gym, library and classrooms, but only for men and Tetouan's library is also restricted to male prisoners. Normally you are not allowed to use these facilities until after the Appeal Court has delivered its verdict. There are time restrictions on exercise. Walking around the courtyard ('patio') can be anything from ten minutes to two hours a day, and none at all on holidays and holy days. There are pay-to-use pool tables in some prisons.

Salé: Running or walking around ('patio') is allowed for two hours a day. Football and basketball are played once or twice a week, and prisoners who want to train in boxing have made arrangements for equipment. Hobbies such as model building, jigsaws and table

tennis are also allowed. However, there is nothing guaranteed about any of these activities. One television, available at a charge, can receive Moroccan, Spanish and Portuguese channels, plus NBC. There are two libraries, well stocked with English books. Educational courses can be arranged through the consular staff.

Tangier: *Patio* is allowed for two hours each morning and afternoon. There is a gym, library and classrooms for language learning, music and art classes – but only for men. Women may be given permission to do drawing, painting or needlework and the consular staff can bring you books. Male prisoners can buy television sets, but there is only one channel. Radios are permitted in cells if earphones are used. The library has a good stock of books in English. The atmosphere at Tangier is a lot more relaxed, but you must still be prepared for rules to change daily.

Tetouan: No sport or recreation, and very little *patio*. There is a yard where you may be allowed to walk for a few minutes once or twice a week. There is at least one TV set with channels in French and Arabic. There is a small library with a few books in English and other European languages.

For Muslims in prison there is a communal prayer up to five times a day, and a make-shift mosque on Fridays.

Drugs

In some prisons drug abuse is rife. With no remission for good behaviour there is little incentive to behave well, and in some cases guards are reportedly bribed to ignore drug dealing. If you are caught holding or taking drugs, punishment can be severe. If you inject drugs you run the risk of contracting serious blood-borne infections, like AIDS and hepatitis (see Health below).

How can I make a complaint about mistreatment?

Any complaints regarding a prisoner's treatment can be made locally at the prison, usually through the "chef de quartier" or to the Prison Director. Complaints can also be brought to the attention of the consular officer by letter or during prison visits. Consular Officers will then take any appropriate action, with your consent.

The Moroccan Judicial System

The Moroccan Judicial System consists of a series of hearings in open court. There is no trial by jury. Your case will be heard by a panel of judges who will have the final decision on any sentence. You will likely be held in a holding cell until your case is called. You will have the right to be accompanied by a lawyer and translator at each hearing. Delays and postponements are common. There is the right of appeal once sentence has been passed. Penalties can be increased or decreased on appeal.

Is the system the same as the UK?

In short: no. Islam is the state religion and Morocco has a dual legal system: secular, partly inherited from the French inquisitorial system and Islamic, which settles family and inheritance matters for Moroccan Muslims and foreigners married under Moroccan law. Most offences of which non-Muslims from outside Morocco are accused are dealt with under the secular penal code. 'Inquisitorial' means the use of intensive questioning, as the system has tended to rely heavily on confessions. Along with police reports, they make up the bulk of evidence in most cases. There have been reports of pressure being put upon prisoners to sign statements before having appropriate Legal, Consular or Translation services. It is your right to ask for these before signing any form statement or "process verbal"

Morocco is a signatory to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However it has been fairly standard practice to handcuff a suspect to a chair during interrogation. There have been reports of questioning lasting up to 15 hours, without food or drink, involving relays of officers. A statement, typed in Arabic, is then produced for you to sign. Remember that **you should never sign anything you cannot read**. It will be a confession, and could include things you know nothing about. If you find yourself under pressure to sign, ask to speak to the British Consul.

Historically, Moroccan law has not recognised the right to silence or the idea of being innocent until proven guilty, but things look set to change. A new Criminal Procedure Code has been implemented. It introduces *habeas corpus* (the presumption of innocence) and states that confessions 'obtained under duress' (that is, made under pressure or by use of force or threats) are not acceptable as evidence.

What should happen when I am arrested?

Moroccan law requires that you be charged in front of a judge (juge d'instruction, judicial investigator or Examining Magistrate) within 24 hours of being detained. This can be extended to 48 hours on approval of the Prosecutor, and up to a maximum of 12 days hours in cases of national security. You will normally be taken from the police station to court where the Prosecutor will read the charges.

After the first appearance you have the right to see a lawyer. You should be informed of this right, but this does not always happen. At this stage the Examining Magistrate

may grant provisional remand. He will take police reports into account and a signed statement will also influence whether you are remanded to prison.

For how long can I be remanded in custody?

In law the remand period should not exceed 60 days. In practice it can be just a few days or it may be extended, but you do have the right to challenge each extension. Any time served on remand will count as part of your sentence. Certain restrictions can be imposed on remand prisoners, such as no contact with family or other detainees, but this rarely applies to foreigners. You will be able to wear your own clothes and will not be expected to work. Remand and sentenced prisoners are not segregated. Remand wings can be noisy and overcrowded beds are not always provided with poor access to bathroom facilities.

What happens when I am charged?

At your first hearing before a *tribunal* (court) you should be notified of your rights. In theory these are:

- The right to an interpreter and a lawyer – for which you may be charged
- The right to appeal against a charge
- The right to be visited at a reasonable time by Consular staff, and by members of your family.
- If unwell, the right to be examined by a doctor

Justice in Morocco is often swift. It is likely that a few days after the first hearing you will be taken to the *Tribunal de première instance* (Court of the First Instance). If you have appointed a lawyer, he can ask for an adjournment to prepare your case. If you do not have a lawyer your case will be heard almost immediately. If you are convicted, your case then goes automatically to the Appeal Court, whether you have a lawyer or not. You can expect to wait at least seven more days before your second court hearing. Here you will be given the chance to speak or have your lawyer speak on your behalf. Again, you may find yourself put under pressure to confess, or to sign an official report before having access to a lawyer. **You should not sign any document that you do not understand, but do tell Consular staff.**

What provision is there for bail?

Bail can only be granted with the agreement of the *Procureur du Roi* (Public Prosecutor) and the Examining Magistrate. It is never granted for drug offences. Foreigners find it impossible to get bail because of their temporary status in the country, being unable to give guarantees that they will not run away and will be available to report to the police station as required.

What kind of legal assistance is available

Consular staff cannot give legal advice, but they can provide you with a list of lawyers, some of whom speak English. Prisoners Abroad (see address below) can also supply information on legal aid, court proceedings and finding a lawyer. If you cannot afford a private lawyer,

the court should appoint a court appointed lawyer, but the quality varies and they usually only speak Arabic. There have been reports of lawyers turning up at court but never actually discussing the case with their client. If you are not satisfied with a legal aid lawyer, you may change him, with permission of the court.

There are some non-governmental organisations (NGOs) in Morocco with lawyer-members who are prepared to work for free. However, they tend to focus on human rights issues. As in any country, some lawyers are better than others – including those who charge fees. If you do pay, it's wise to agree a flat fee for the whole case before starting or you may find yourself facing 'extra expenses'. Ex-prisoners advise talking to other prisoners as they often know which lawyers to avoid and what hidden costs there might be.

What happens at the trial?

There is no jury system in Morocco. Trials are heard by a judge or judges with up to five sitting per case. They rely largely, at times solely, on police reports and there is no guarantee that your pleas will be discussed.

Your trial will be heard in Arabic and the court is supposed to appoint an interpreter, but in practice this often does not happen. It is not always possible to find capable interpreters, especially in smaller towns. If they are not trained to translate court proceedings they can totally misunderstand things. There have also been reports of bias in favour of the prosecution. The Consulate can provide you with lists of sworn interpreters and Prisoners Abroad can help with organising the translation of documents.

Sentences

No suspended sentences are given to foreigners. If you are convicted of a drug offence you will be given a fine in addition to a jail term of six months to life. The size of the fine depends on the quantity of the drugs you possessed or carried. (There are fines for other types of conviction too).

How can appeals be made?

Appeals must be lodged within ten days of conviction and sentencing. You may appeal against the actual conviction or against the length of sentence, but the prosecution can also appeal for an increased sentence. In drug cases, lawyers will usually advise against appealing a sentence, because it can result in a heavier one. If you do decide to put in an appeal, bear in mind that it can result in additional costs (one example from 2015 cost £1250).

If your appeal is rejected you may apply for *cassation*, which is dealt with by the Supreme Court. The aim is not to re-examine the case on grounds of evidence or questions of guilt or innocence but to only investigate points of law. This is usually a very long process and you may find your release date comes before your *cassation* takes place.

What provision is there for reduction of sentence (remission) e.g. for good behaviour?

There is no system for granting remission (time off your sentence) for foreign nationals.

What provision is there for early release e.g. on parole?

There is no parole for foreign nationals.

What provision is there for clemency or pardon?

Royal Pardons are granted by the King and your plea should be addressed to him.

- The original plea should be sent to the King, via the British Embassy, who will forward it directly to the Royal Palace with a covering letter from HM Ambassador to the *Directeur du Secrétariat Particulier de Sa Majesté*.
- A copy should be addressed to the Minister of Justice through prison channels. The Director of the prison will add a comment on your behaviour and this will affect whether your application moves forward or not.
- There are no hard and fast rules for success and many requests are not granted. Decisions on Royal Pardons are taken case by case. Below you can read about what you need to do to make the best of your application. **(You should have served at least one-third of your sentence before applying).**
- Pardons granted on sentences that include customs fines do not come into force until the fines have been paid, unless it is clearly stated that the Pardon includes the fines.
- Obtaining a Pardon can be costly. Expect to pay for translations, possibly extra legal fees and your plane fare home. **This is essential.** The Embassy or Consulate can hold the money for you until you need to buy the ticket.

It will be helpful if you submit your application with supporting letters. The most important will be from family members. Others should be from friends and past employers, plus one from either your doctor or another professional person who will support your case, i.e. your MP or MEP, or a lawyer. If appropriate you may also request support from Prisoners Abroad. About half a dozen letters is enough, but obviously the more the better.

The process of collecting letters of support can take a long time, so allow plenty of time for replies and to follow up all offers of help. The letters should be written in, or at least translated into French or Arabic. In an emergency Prisoners Abroad may be able to help with translations. The Embassy also provides translation into French for such letters, but these will not take priority over the other urgent tasks the Embassy translator has to deal with.

It is best to send requests one to two months before an important Islamic or Moroccan feast day. When Pardons are granted, it is usually on those days. However, it has been some years since a Pardon was granted to a European on a Muslim holiday. The feast days are the end of Ramadan (Aïd es-Saghir), Aïd El Adha, and Aïd El Maoulid. National days are 30 July (Fête du Trone), 20 August (Revolution du Roi et du Peuple), 21 August (King's birthday) and 18 November (Independence Day). On rare occasions of national importance i.e. the Pope's visit to Morocco – the King may grant Pardons to foreign prisoners. If you wish to send your application to the King through prison channels you should write to:

Sa Majeste le Roi Mohammed VI
Sous couvert de Monsieur le Ministre de la Justice

*Direction des Affaires Criminelles et des Grâces
Place de la Mamounia, Rabat*

The actual content of your letter of application and the supporting ones will depend upon the circumstances of your case. However, you must make clear that you:

- understand the seriousness of your offence
- repent your past conduct
- long for reunion with your family, homeland and culture
- wish to lead a socially useful life in future
- will never do wrong again

Priority may be given if there are strong medical grounds for an early release, but you must **never** criticize prison conditions, even if they are making your health worse. Equally, you must avoid any criticism of the Moroccan judicial system and **never** claim innocence (even if you believe yourself to be innocent) as that implies fault with the system that convicted you.

What about any financial penalties?

There are three types of fines, the administrative (or court) fine, the *Régie des tabacs* ('tobacco tax') fine and Customs (Douan) fines. The Régie des tabacs can be negotiated, so you should pay it as late as possible, to avoid giving the impression that you are wealthy.

You will normally have to pay off all fines before you are released from prison, unless you have been granted a Royal Pardon in which it is spelled out that you do not have to do so. You can also be released without paying the court fine if:

- you have applied for *cassation* and reached your expected date of release before the date has been set for the cassation.
- No *mandat d'arrêt* (arrest warrant) has been issued against you by the court for non-payment of either fine, and *contrainte par corps* (imprisonment for non-payment) has not been specified in your sentence.

If you receive *contrainte par corps* you have the right to appeal to the *Procureur du Roi* that the extra time to be served should be halved on the grounds that you are unable to pay. If your request is accepted you will be released after serving half of the extra time given. You will need three letters to support your claim of insolvency. These are:

- a letter from the Inland Revenue stating that you have not been liable to pay income tax for a certain period
- a letter from the Department of Employment or Job Centre that you were in receipt of unemployment benefit or income support at the time of your arrest.
- a letter from the Land Registry in the UK confirming you do not own any property in the United Kingdom.

The three letters need to be translated into French or Arabic and must be typed on headed paper. If you were not in receipt of benefits you have no chance of getting a reduction in the *contrainte par corps*.

Is transfer to another prison within Morocco possible?

Transfers between prisons within Morocco can be arranged by applying first to the prison director. They can also be imposed by the prison authorities for disciplinary reasons.

A Prison Transfer Agreement between Morocco and the United Kingdom has been signed. You may apply to transfer to the United Kingdom only when you have served half of your sentence in Morocco. Our consular staff can provide you with further information on the process.

Is transfer to the UK a possibility?

Transfers to the UK are possible once you have completed half of your original sentence and paid any financial penalties imposed by the Moroccan court. You begin the process by writing a letter to the Prison Director requesting a transfer to the UK.

If you have no money to pay your fines you must prove you have no financial means to pay. To do this, you are required to provide a letter from the Land Registry in the UK confirming that you do not own any property in the UK, along with a letter from Jobcentre Plus confirming what benefits you may have been claiming at the time of your arrest and a letter from HM Revenue and Customs confirming your tax status in the UK.

All documents must be original and translated into Arabic. The Embassy will then provide a covering letter to present your documents to the courts to waive the financial penalty imposed. The Moroccan courts are not obliged to accept these documents which may lead to an extra year's imprisonment in Morocco.

If you are to be extradited for trial in Britain a different process applies. The Ministry of Justice in Rabat deals with the administration of the Moroccan court's verdict. When the process is complete, the *Sûreté Nationale* (security police) will ensure that you are collected by British police officers. In the UK you should find your sentence reduced by the amount of time spent in jail in Morocco awaiting extradition.

What are the procedures for release and deportation?

In drugs cases, expulsion is always given as part of the verdict and you will not be allowed to enter the country again for five years. Some prisoners are released without delay, and with no detention at Immigration. **If your passport is in date and you have enough money to buy a ticket out of Morocco, you should have no problems.**

You will be collected from your cell on the day of release and given your valuables and passport. You will then be taken to the police station closest to the prison and put in the custody of the Immigration Police. A Consular Officer usually arranges to meet you there and any money left in your account is returned to you, either in dirhams or pounds.

What happens next depends on how much money you have and where you are in the country i.e. whether you will be flying to the UK or taking a ferry to Spain. The Immigration Police will take you to the airport or port, usually but not always, on the same day.

Prisoners Abroad

Since 1978 the charity Prisoners Abroad has offered practical support and advice to British citizens imprisoned overseas. It is the only UK charity providing this service and it is available to all, whether guilty or innocent, convicted or on remand. Prisoners Abroad is concerned with your health and welfare, both during your imprisonment and also on your return to the UK, through their resettlement service (if you have registered whilst in prison). They can also provide support and advice to your family during your imprisonment. In order to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Once you seek help from Prisoners Abroad, the Prisoner & Family Support Service will be your point of contact for advice and information. The type of assistance they can offer will vary from country to country, but generally they can provide you with information, in English, on:

- your rights as a prisoner and issues that may affect you such as health or transfer to the UK
- obtaining magazines, newspapers, books and the regular Prisoners Abroad newsletter
- writing to a pen pal
- learning the language of your country of imprisonment
- translation of documents
- grants for food if you are in a developing country and don't have funds from other sources
- grants for essential medicines and toiletries if you don't have funds from other sources
- preparing for release
- help for your loved ones, including information, family support groups and assistance with the cost of visiting

Prisoners Abroad
89 – 93 Fonthill Road
London N4 3JH
UK

Telephone: 00 44 (0)20 7561 6820 or, for your relatives in the UK, Freephone 0808 172 0098

(Mondays to Fridays 9.30 am to 4.30 pm, UK time)

Email: info@prisonersabroad.org.uk

Website: www.prisonersabroad.org.uk

Glossary of Terms

Useful legal terms

Key phrases – English into Arabic

Glossary of terms

Key phrases in English translated into recognised Moroccan dialect.

| English | Arabic | Sounds like |
|-----------------------------------|-------------------------------------|------------------------|
| Useful key phrases | | |
| Hello | salam | السلام |
| My name is | ana Essmy | انا اسمي |
| Good morning | sabah al kheer | صباح الخير |
| Good evening | Massa al Kheer | مساء الخير |
| Excuse me | ssmah lia | سمحلي |
| please | afak | عفاك |
| I don't know | Maaraftch | معرفتش |
| could you repeat that more slowly | momken taawed chnou goul't bechwaya | ممکن تكلم ب شوية |
| I 'am sorry | Ssmah lia | سمحلي |
| how much does it coast | ch'hal kaydir | شحال هادا |
| yes | ah/naam | نعم/اه |
| No | la | لا |
| Do you mind if I smoke | momken nekmi | ممکن نكمي |
| could you write that down for me | momken tektabli hadchi | ممکن تكتبلي هادشي |
| what time is it? | ch'hal f saaa | شحال ف الساعة |
| I'm fine | ana labass | انا لباس |
| I'm cold | fia lbard | فيا البرد |
| I'm hot | fia sehd | فيا الصهد |
| this is urgent | hada mouhim/darori/mostaa'jel | هادا مهم/دروري |
| I want to make a complaint | ana andy shikaya | انا عندي شيكايا |
| I want to send this letter | ana bghit nssift had rissala | بغيت نسيقت هاد الرسالة |
| could you translate for me | momken terjamli | ممکن ترجملي |
| FOOD | | |
| I am hungry | ana ji'aan | فيا الجوع |
| I am thirsty | ana atchan | فيا العطش |
| juice | assir | عصير |
| milk | halib | حليب |
| water | l'ma | ماء |
| omelette | omelette | اومليت |
| bread | khobz | خبز |
| chicken | djaj | دجاج |
| egg | baydah | بيض |
| meat | l'ham | لحم |
| cake | tarte/kika | كيك |
| Biscuits | gateau/biscuit | بيسكوي |

| | | |
|---------------|------------|----------|
| fruits | fawakih | فواكه |
| banana | banana | بنان |
| apple | tefaha | تفاح |
| yoghurt | danone | دانون |
| Health | | |
| Doctor | tabib | طبيب |
| I am bleeding | ana anzef/ | انا ننزف |

| | | |
|------------------------------|------------------------------|-------------------------|
| I have a fever | fia skhana | فيا السخانة |
| I have a cold | darbni l berd | فيا البرد |
| I have a headache | fia hriq rass/rassi ydarni | راسي كيضرني |
| I have cramps | andi takalosat | عندي تقلصات |
| I am diabetic | fia soukar | فيا السكر |
| I need to sleep | bghit n'aass | بغيت نعس |
| I need to use the toilet | bghit nemchi l toilette | بغيت نمشي ل طواليط |
| I need to take a shower | bghit ndawech | بغيت ندوش |
| I have a high blood pressure | andi tension | فيا الطونسيون |
| Legal terms | | |
| I need to see my lawyer | bghit nchouf el mohamy diali | بغيت نشوف المحامي ديالي |
| appeal | isstinaf | استئناف |
| application form | talab | طلب |
| case | kadiya | قضية |
| case number | rakam el qadiya | رقم القضية |
| central prison | al sijn al markazi | السجن المركزي |
| complaint | shikaya | شكوى |
| court | mahkama | محكمة |
| deportation | lbaad | ابعاد |
| deposit | amanat | امانات |
| embassy | seefara | سفارة |
| supreme court | al mahkama al olya | المحكمة العليا |
| guilty | modnib | مذنب |
| hearing session | jalssat al isstima | جلسة استماع |
| indictment | al touhma | التهمة |
| innocent | barei | بريء |
| interpreter | moutarjim | مترجم |
| jail | lhabss/sijn | سجن |
| judgment | hokm | حكم |
| lawyer | mohami | محامي |
| money | l'fouss | فلوس |
| no problem | machi mouchkil | ماشي مشكل |
| notary | notaire | كاتب عدل |
| plaintiff | al modaii | المدعي |
| police | shurta | الشرطة |
| Power of attorney | wakala | وكالة |

| | | |
|--------------------|--------------------|---------------|
| Prison director | mudir al sijn | مدير السجن |
| Prison rules | kawanin al sijn | قوانين السجن |
| problem | mouchkil | مشكل |
| prosecutor | niyaba | النيابة |
| Release | ifraj | افراج |
| security | securite | امن/سيكيري تي |
| sentence | oukouba | عقوبة |
| sentence | al hokm | حكم |
| suspended sentence | hokom moaalak | حكم معلق |
| the accused | al motaham | المتهم |
| visiting permit | rokhssat al ziyara | رخصة الزيارة |
| Other useful words | | |
| to change money | sarf al omla | صرفالعملة |
| telephone call | mokalama hatifya | مكالمة هاتفية |
| bathroom | toilette | طواليط |
| blanket | manta | مانطة |
| blood test | fahss dem/tahlila | التحليلية |
| book | kitab | كتاب |
| library | maktaba | |

Annexes

[Annex 3 FCO leaflet: In prison abroad](#)

[Annex 4: FCO leaflet: Transfers home for prisoners abroad](#)

[Annex 5: Prisoners abroad authorisation form](#)

[Annex 6: Prisoners abroad family contact form](#)

[Annex 7: Prisoners aboard CFF form](#)

Annex 8: [Fair Trials International Questionnaire leaflets](#)

[Annex 9: Reprieve Information](#)

Disclaimer

This booklet was compiled by the, British Embassy Rabat. It is revised on a regular basis

If any of the information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can make amendments.

The British Embassy in Morocco is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

25 August 2015