## LAW ENFORCEMENT

## Mutual Legal Assistance

# Convention Between the <br> UNITED STATES OF AMERICA and MOROCCO 

Signed at Rabat October 17, 1983


## NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)-
". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence ... of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

## MOROCCO

## Law Enforcement: Mutual Legal Assistance

Convention signed at Rabat October 17, 1983;
Transmitted by the President of the United States of America to the Senate May 10, 1984 (Treaty Doc. 98-24, 98th Congress, 2d Session);
Reported favorably by the Senate Committee on Foreign Relations
June 19, 1984 (Senate Executive Report No. 98-35, 98 ${ }^{\text {th }}$ Congress, 2d Session);
Advice and consent to ratification by the Senate June 28, 1984;
Ratified by the President July 13, 1984;
Exchange of Diplomatic Notes at Washington and Rabat April 24, 1985 and June 23, 1993;
Entered into force June 23, 1993.
CONVENTIONBETWEEN THE
UNITED STATES OF AMERICAAnd the
KINGDOM OF MOROCCOON
MU'TUAL ASSISTANCE IN CRIMINAL MATTERS
The Government of the United States of Americaand
The Government of the Kingdom of Morocco
Desiring to maintain and to strengthen the longstandingbonds which unite botil countries and to undertake effectivemutual assistance in criminal matters,
Have agreed as follows:

## Scope of Application

(1) The Contracting States shall undertake, in accordance with the provisions of this Convention, to provide mutual assistance relating to investigations, proceedings, the taking of testimony or statements of witnesses, and service of documents.
(2) When one of the two Contracting States deems it necessary to obtain information or documents needed for a proceeding instituted against a person for acts punished or prohibited in its territory, the other State shall provide assistance, including but not limited to:
(a) taking the testimony of any person;
(b) providing documents;
(c) executing requests for searches and seizures, or depositions, in accordance with the laws of the Requested State;
(d) serving documents; or
(e) providing extracts of official records.
(3) This Convention is established solely for mutual assistance between the law enforcement authorities of the Contracting States.

## Limitations on Compliance

(1) Mutual assistance may be denied:
(a) if execution of the request would prejudice the security or public order of the Requested State or would be contrary to its laws;
(b) if the request relates solely to violations of military obligations; or
(c) if the request does not comply with the provisions of this Convention.
(2) Before refusing the execution of any request pursuant to this Article, the Requested State shall determine whether assistance can be given subject to such conditions as it deems necessary. If the Requesting State accepts the assistance subject to these conditions, it shall comply with said conditions.
(3) If the execution of a request would interfere with an ongoing investigation or legal proceeding in the Requested State, execution may be postponed by that State, after it so notifies the Requesting State.
(4) The Requested State shall promptly inform the Requesting State of the reason for denying or postponing the execution of a request.

## Central Authorities

(1) A Central Authority shall be established by each Contracting State.
(2) For the United States of America, the Central Authority shall be the Attorney General or a person designated by him. For the Kingdom of Morocco, the Central Authority shall be the Minister of Justice or a person designated by him.
(3) Requests under this Convention shall be made by the Central Authority of the Requesting State to the Central Authority of the Requested State.

## ARTICLE 4 <br> Contents of Requests for Mutual Assistance

(1) A request for assistance shall be submitted in writing in the language of the Requested State.
(2) The request shall include the following:
(a) the name of the authority conducting the investigation or proceeding to which the request relates;
(b) the subject matter and nature of the investigation or proceeding;
(c) a description of the evidence or information sought or the acts of assistance to be performed; and
(d) the purpose for which the evidence, information, or other assistance is sought.
(3) To the extent possible, a request shall contain all available information on the identity, nationality, and address of the person concerned as well as that person's relationship to the proceeding and all other information which may be brought to the attention of the Requested State to allow it to execute the request.

## ARTICLE 5

## Execution of the Request

(1) The Central Authority of the Requested State shall promptly comply with the request or, when appropriate, shall transmit it to the authority having jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute requests.
(2) When execution of the request requires judicial or administrative action, the request shall be presented to the appropriate authority by the persons designated by the Central Authority of the Requested State, at no cost to the Requesting State.
(3) Requests shall be executed in accordance with the laws of the Requested State. However, the method of execution specified in the request shall be followed if the Central Authority of the Requested state finds that it is not contrary to its laws.

## Costs

The Requesting State shall, upon application, pay or reimburse the expenses relating to the execution of a request, except in the case foreseen in paragraph (2) of Article 5.

## ARTICLE 7

## Confidentiality

(1) Except in cases where disclosure of evidence is necessary during a judicial proceeding, the Requested State may require that evidence be kept confidential.
(2) Without the consent of the Requested State, the Requesting State shall not use any evidence obtained under this Convention for purposes other than those stated in the request.

ARTICLE 8
Testimony
(1) A person whose testimony is necessary shall be compelled by subpoena, if necessary, to appear and testify or produce documents, records, and articles to the same extent required in investigations or proceedings in the Requested State.
(2) If on the occasion of the testimony of a witness, the witness asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, his testimony shall nonetheless be taken and the claim made known to the Requesting, State.
(3) In order to permit the Requesting State to take all measures useful on the occasion of the taking of the testimony of the witness, the Requested State shall furnish, in advance, upon application, information on the date and place of the taking of testimony of the witness.
(4) During the execution of a request, the Requested State shall authorize the presence of counsel, or of an accused person, if confrontation of the accused with witnesses is involved.
(5) The taking of testimony of a witness and the possible confrontation of the accused with the witness shall be carried out in accordance with the national laws applicable to the matter. An attorney permitted to be present may, under the supervision of the authority charged with execution of the request, examine the witness whose testimony is sought.

## ARTICLE 9

## International Request to Appear

Upon request that a person in the Requested State appear personally and testify in connection with a judicial proceeding in the Requesting State, the Requested State shall ask such person to appear and testify at such judicial proceeding.

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## Article 10

## Safe Conduct

(1) No person requested to testify on the territory of the Requesting State in accordance with the provisions of Article 9 and who agrees to do so shall be subject to suit or be detained or subjected to any other restriction of personal liberty by reason of any acts which preceded his departure from the Requested State.
(2) Safe conduct provided in this Article shall cease if, ten days after the person appearing has been notified that his presence is no longer required, that person being free to leave, has not left the Requesting State or, having left the Requesting State, has returned.

## ARTICLE 11

## Providing Records of Government Agencies

(1) The Requested State shall provide copies of publicly available records of a government agency.
(2) Any nonpublic document in the possession of a government agency of the Requested State may be provided to the Requesting State to the same extent and under the same conditions as it would be available to the law enforcement authorities of the Requested State.

## Confiscation of Narcotics-Related Assets

(1) The goods and assets hald by any person punishable under laws relating to criminal narcotics matters shall be seized from whomever may possess such goods and assets, in accordance with the laws of the State on whose territory they are found.
(2) The Central Authority of one State may notify the Central Authority of the other State of the existence on its territory of goods and assets mentioned in paragraph (1), in order to have them seized and subjected to possible forfeiture in accordance with the applicable laws in force in said State. The Central Authority of the Requested State shall take all appropriate measures in order that these goods and assets shall not be removed from or dissipated within its jurisdiction until the Requesting State can complete its proceedings.
(3) For purposes of this Convention, criminal narcotics matters shall include:
(a) intentionally committing any offense against the laws relating to cultivation, production, manufacture, extraction, preparation, custody, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch in transit, transport, importation, and exportation of dangerous drugs as defined in the laws of each of the two States; and
(b) any act of conspiracy relating to the offenses mentioned in subparagraph (a) above, including any association of criminals, any supplying of financial operations or services, together with any legally punishable attempt to commit these offenses.

## ARTICLE 13

## Search and Seizure

A request for search, seizure, or delivery of any article to the Requesting State shall be executed if it includes the information justifying that action under the laws of the Requested State.

## ARTICLE 14

## Location of Persons

(1) The Requested State shall take all necessary measures to locate, upon application of the Requesting State, all persons who may be found in its territory.
(2) The Requested State shall communicate as soon as possible the results of its inquiries to the Requested State.

## Serving Documents

(1) The Requested State shall cause service of any legal document transmitted for this purpose by the Requesting State.
(2) Any request for the service of a document requiring the appearance of a person before an authority in the Requesting State shall be transmitted a reasonable time before the scheduled appearance.
(3) The Requested State shall make known to the Requesting State the measures taken to implement the request.

## ARTICLE 16

Compatibility with Other Treaties and Domestic Laws
(1) Assistance and procedures provided by this Convention shall not prevent either of the Contracting States from applying the provisions of other international agreements to which it may be a party as well as the provisions of its national laws.
(2) No private party may invoke the provisions of this Convention to exclude any evidence hereunder or to inpede the execution of a request.

ARTICLE 17
Entry into Force
(1) This Convention shall enter into force on the date on which the Contracting States notify each other, by an exchange of notes, that they have complied with their respective constitutional requirements.
(2) This Convention is indefinite in duration.

## Denunciation

Either Contracting State may terminate this Convention by means of written notice to the other State. Termination shall take effect six months following the date of notification.

IN WITNESS WHEREOF, the Plenipotentiaries, being duly authorized, have signed this Convention.

Done in Rabat, the seventeenth day of October 1983 (10 Moharram 1404) in two original copies, in English and Arabic, both being equally authentic.

FOR THE
UNITED STATES OF AMERICA


FOR THE
KINGDOM OF MOROCCO


التعاون التضائي في الميدان الجنائــــي
بهـن


$$
\begin{aligned}
& \text { ان حكومة الولايات التحدة الامريكية }
\end{aligned}
$$

رفبة منصشا في الصافظة على الـلاتات اللعريةة التي تجمع بين البلد ين وتوطيد هاءوفياتامــة
تعاون تضأي نعال في الميدان الجنأئ

الليعل الاول


لتنغيذ طلبات البحث ه والاجرا|ت التضا ئية ، والاستاع الى الـنـود ه رالتبليغات . 2 ـ كلا اعتبر أ- 2

للقيام باجرا' موجه ضد ششص من اجل ارتكا بافعال منصوص عليها ولىعثوتها فــوق ترابــه 6

$$
\begin{aligned}
& \text { فان الطرف الآخَر يتعهـد بمساعدتع با لِي ،د ون الحصــر: } \\
& \text { c } 1 \\
& \text { بـ- توجيه وtّق المسطرة }
\end{aligned}
$$

ج - تنغيذ الطلبات التي تضضي بالبحثوالاستـا ع الى الاشخاصالصعنييــــــــنـ بالاجراءات ؛ والتغتيث والحجز ،طبعا لتواعد المسطرة الهطبتة فيالد ولة الهطلوـــة

$$
\begin{aligned}
& =2= \\
& \text { • ـ ــبلين الاوراق القضائيــة } \\
& \text { هـ - توجبي ملخمات الـسـجل الـعدلـي }
\end{aligned}
$$

3 • تهد ف مذه الاتناقية فتط الى التعاون بين السلطلات التنائية فيالدولتين

## النصل الـلا'ـــــ

حد ود تنغيــذ الطلبـــــــــــــات

$$
1 \text { • يمكن رفض التعاون التُضائي في الحالات الاتيــــة : }
$$

ا ــانا اذا من بان تنغيذ الطلببالمساس بسلامة الد ولة المطلوبة او بنظامها

بــ انا كان الطلببلايتعلق الا بعخالنات تنْكل خرتا للالتزامات العسكرية فغـــطط،
 2 . تتر الد ولة الـطلوبة تبل رفض تنغيذ أي طلـبوفتا لصذا النصل،ماذاKان من

المناسبتعييد مساعدتما بنروط معينة تعتبرها ضرورية . ويجبعلى الد ولة الطالبة ان تحتسر هذه النـروط ، اذا تبلت الـساعدة المعلتة علبها

3 • يكن للد ولة الصطلوبة بعد اهبار الدولة الطالبة ،تأجيل التنغيذ اذاتبين أن
من شانع عرتلة ابها ثاو اجراء| تاخرى جاربة في تلك الدولة .
4 . تبلغ الدولة الـطلوبة الدولة الطالبة فورا الـسببالذي جعلمبا تؤجل تنفيــــــــ

## اللصل الــلـــــ



1 . 1
2 . بعتبر وزير الصدل او من يغوضه السلطة المركزية بالنسبة للولاياتالدتحد : .
. يعتبر ونع العدل أو من يغوضه الـسلطة الـركرية بالنسبة للملكة المغربية 3 • تقدم الطلبات ، وتيا لصذه الاتغاقية ،من طرف السلطة الـركزية فيالدولة الطالبة الى السلطة الـركرية في الدولة المطلوبة .



1 • يتدم طلبالتعاون هعرا بلغن الدولة الدطلوبة .

$$
2 \text {. يتضمن الطلببالبيانات الاتية: }
$$

أ - اسم السلطات الـشرفة على البحث اوعلى الاجـرا'| التي يتعلق بعالطلـــب.
ب- موضوع البحثاو الاجرا•ات وطبيعتشـا .

الغيام بعا .

إأــة مساعــدة .

3 • يتضهن الطلب تدر الامكان كل الصعلومات الـتوغرة عن هوية الـنشضص الصعني وجنسيتـــــ
وعنوانه ، وكذا الصنة التب يذكر بها في الاجرا"| وكل العناصر الاخرى التب يمكن احاطة الدولـــة اللطلوة بعا لتمكينشا من تنغبـذ الطلـب

الصل

1 . تستجيببالسلطة الـركزية للد ولة المطلوبة فورا للطلب وتحيلم عند الاقتغا: الى الدلسلة


السلطة الـشتصة بوا سطة الاشخاص المعنيين من السلسة الصركية للد ولة المطلوبة 6دون 1 ن
ميترتبعلى ذللن الي صانرالنسبة للد ولة الطالبة
3 • تنغيز الطلبات وتغا لتوانين الدولة المطلوبة . غير انع بجبأتباع المسعرة الوا رد ;


النمـــل الدـــاد س


طلبـبنما زلك ؛ باستثنا الهالة الهنار اليها في الفترة 2 من النسل 5 .

اللهـــل الــا

سريـة عنا مـــر الاثبــــــــــات
1 • بجوز للد ولة المطلوبة ان تـلالب باستعـطل عنامر الاتبات بعغة سرية كالم بيكـن الافضا"


المستقا ة بموجب شذ ه الاتغا تية لاغراض الخرى غير الاغراض الوارد ة في الطلـب .
$\qquad$


1 • ليلم الشنخص الذي تكون نشادت ضرورية عند الاتتفاء بالحضور والنـهادةاو

2 . بامل الاستطا الى الشامد اذا ادمى خلال الاستطاع اليه حعانة اوامتبازا او
نتها في الاهلبة بموجبتُنريمات الدولة الطالبة ، وتحاط الدولة الطالبة علما بمذا الادعا" .
3 • بناء على طلبالدولة الطالبة تقدم الدولة المطلوة همسبتا معلومات عن تاريهغ
الالستطاع الى الـنا هد ومكانه • لتـكين الدولة الطالبة من اتخاذ كافة الاجراءات التب تراهــ
هغيــدة بمناسبة هذا الاستماع •
4 . ترخم الد ولة الـطلوبة اثنا؛ تنفيذ طلـب بحضور محام ، واذا تعلق الامر بعتابلــة
ترخص بحضور كل نشخص متأبع مع الـتهود .
5 • يتم الا ستطاع الى النـا مد وتت عند الاقتغا' متابلته مع الششضص الهتابع " حـبـ
القوا مين الوطنية الهطبتة في هذا الـوضوع . ويمن للمعامي الحاضر استنطلق الـنشصالمطلوبة تـطادت ، تهعت مراقبة السلطة الملغة بتنفيذ الطلب.


الاستحغار الد ولــي للنـهــــــــــــود

تلزم السلطة الهختمة بالد ولة الیطلوبة النـا هد الذي يقم نوت ترابــــا بالحفـــــــور
 ضروريـا فيمتل هذ. الاجراء|ت


 لمغاد رته الد ولة المطلوبة

 . منادرتما ،اواذاعاد انيها بعد هغادرتهــ النسل الـلد ع عنــر



- التابعة للد ولـــة

2 • يمكن توجيع اي وثبية غير موضوة رمن العـوم باحدى المصالح التابعة للدولــــــــة
 النغائية للدولة الـطلوة .


مماد رة الاموال والبضائع التب لـــــــا
علاتة بتمريبالـخد رات
1 • تمادر الاموال والبغانع الموجودة في حوزة اشخاص معرضين للعتابمن اجل تمريب
الهند ات أيا كانت الجیة التب تحوزها ، ونًا لتشريهات الدولة التي اكتُغت فوق ترابیا . 2 .


تطبيتا للتنريمات الجارية في مدا الووضوعبالدولة المدكورة . ويجبعلى هذ. السلطة المركزية اتخاذ كانة الامجراءات حتى لاتغلت مذه الاموال والبضانع من سلطة قضاء الدولة الطالبة الصالة عليها التضبة الىان تنهي الدولة الطالبة اجرا•اتعا التضانية . 3 • تُنمل التضا يا المتعلتة بالهخدرات حسبمغعو مذه الاتغا تية ما يلي:


وسرا'ما وتوزيعها وتسليهـا بأي شكل ، والوماطة فيها وارسالعابر لـما ونتلـــــــا وا ستيراد ها وتصد يها ، حسبطا يحد د ما تشريع كل من الد ولتين .

ب- كل عمل من أعمال الـنارك في الجرامُ الـنار اليها فيالنقرة (ا ) اعـــــلاه ؛ با فيذلك تكوين عمابات مجرمين ، والـعملـات المالية وتوفيرالوسا ثللوكذاكـلـل هعاولة لمذه الجراءم بعافبعليها القانون •

## اللهـل الثالــعـــــر


ينغذ كل طلبممالدرة او حجزاو تسلم اي شي: الى الدولة الطالبة اذا تضمن معلوــا ع
تبر مذا التنغيذ وفق متتضِلِ تانون الد ولة المطلوبة .

## النملـالرالبمعِـــــــر


1 . تاخذ الدولة المطلوبة كانة التدابـرالضورية ، بطلببم الد ولة الطالبة ،لتحد يـــد
.

... $/ .$.

اللمـل الـعاسِ عـــر


1 . تبلغ الد ولة الدطلوة كل الاورا التغايُدة الموجعة اليها لـذا الغرض من طرفالد ولة


2 • يوجه كل طلبتبليغ ورتة تغائبة يمد نـالىمثول شخص الام احد ىسلط الد ولة الطلبة ، باجل كا فت قبل موعد الهنــول .


## النسل الـــاد سعمُـــــر

تزام اتغاقيات اخرى والتنُريم الوطنـــــــــ


 تطبيًا لـا ،اولعرتلة تنفيـذ طلب .

## اللصل الـاهع منــــــر



1 • تدخل هذه الاتغاتية حيز التنغيذ ابتداء من التاريغ الذي يشمر فيه كل طر فالآخر،
عن طريت تبادل المذكرات ه بانمطا استوفيا الاجرا'ات الد ستوريـة الخاصة بكل منمطا .

$$
2 \text {. تبــرم مذه الاتغاتيــة لمدة غيــر محـــــــــد ودة . }
$$

النهـل الثـمن عشـــر



 حـرفي الراط في 10 سحم 1404 (17 أكتوبــــــــر 1983 )

في نسنتين املِيتين باللغتتين الانجليزهة والــرية


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