

**Official Bulletin n ° 5114 of Thursday June 5, 2003**  
**Dahir n ° 1-03-140 of 26 rabii I 1424 (May 28, 2003) promulgating law n ° 03-03 relating to the fight against terrorism.**  
**PRAISE TO GOD ALONE!**

( *Great Seal of His Majesty Mohammed VI* )

Let it be known hereby - may God uplift and strengthen its content!

May Our Cherifian Majesty,

Seenthe Constitution, in particular its articles 26 and 58,

**Has decided as follows:**

Is promulgated and will be published in the Official *Bulletin* , following this dahir, the law n ° 03-03 relating to the fight against terrorism as adopted by bedroom representatives and bedroomcounselors.

*Done in Casablanca, 26 rabii I 1424 (28 May 2003).*

For countersignature:

*The Prime Minister,*

**Driss Jettou.**

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**Law n ° 03-03**  
**relating to the fight against terrorism**

**Title One: Penal provisions**

**Article One:** Title one of book III of the penal code approved by the dahir [n ° 1-59-413](#) of 28 jomada II 1382 (November 26, 1962) is completed by the following chapter 1 *bis* :

## **"Chapter 1 bis: Terrorism**

*Article 218-1.* - The following offenses constitute acts of terrorism, when they are intentionally related to an individual or collective enterprise aimed at seriously undermining public order by intimidation, terror or violence:

- 1) 1 " deliberate attack on the life of persons or their integrity, or their freedoms, the kidnapping or sequestration of persons;
- 2) counterfeiting or falsification of currencies or public credit instruments, State seals and hallmarks, stamps and brands, or the forgery or falsification referred to in articles 360, 361 and 362 of this code;
- 3) destruction, damage or deterioration;
- 4) hijacking, degradation of aircraft or ships or any other means of transport, degradation of air, sea and land navigation facilities and destruction, degradation or deterioration of means of communication;
- 5) theft and extortion of property;
- 6) the illegal manufacture, possession, transport, release or use of weapons, explosives or ammunition;
- 7) offenses relating to automated data processing systems;
- 8) forgery or falsification of checks or any other means of payment referred to respectively by Articles 316 and 331 of the Commercial Code;
- 9) participation in an association formed or in an agreement established for the preparation or commission of one of the acts of terrorism;
- 10) knowingly receiving the proceeds of a terrorist offense.

*Article 218-2 .* - Is punished by imprisonment of 2 to 6 years and a fine of 10,000 to 200,000 dirhams, anyone who defends acts constituting offenses of terrorism, by speeches, shouts or threats uttered in places or public meetings or through writings, printed matter sold, distributed or put up for sale or displayed in public places or meetings, or through posters displayed to the public by the various audio-visual

and electronic information media. <sup>1</sup>

" *Article 218-3*. - Also constitutes an act of terrorism, within the meaning of the first paragraph of article 218-1 above, the fact of introducing or putting into the atmosphere, on the ground, in the subsoil or in water , including those of the territorial sea, a substance which endangers the health of man or animals or the natural environment.

The facts provided for in the first paragraph above are punished by ten to twenty years imprisonment.

The penalty is life imprisonment, when the facts have resulted in mutilation, amputation or deprivation of the use of a limb, blindness, loss of an eye or any other permanent infirmity for one or more people.

The culprit is punished with death when the facts lead to the death of one or more people. <sup>1</sup>

". - The following offenses constitute acts of terrorism:

- the act of providing, collecting or managing by any means whatsoever, directly or indirectly, funds, securities or property with the intention of seeing them used or knowing that they will be used, in whole or in part, to commit an act of terrorism, regardless of the occurrence of such an act;
- providing assistance or giving advice to this end.

The offenses referred to in this article are punished:

\* for individuals, from five to twenty years' imprisonment and a fine of 500,000 to 2,000,000 dirhams;

\* for legal entities, a fine of 1,000,000 to 5,000,000 dirhams, without prejudice to the penalties that may be imposed on their managers or agents involved in the offenses.

The penalty is increased to ten years and thirty years' imprisonment and the fine to double:

- when the offenses are committed using the facilities provided by the exercise of a

professional activity;

- when the offenses are committed in an organized gang °;

- in case of recurrence.

The person guilty of terrorist financing also incurs the confiscation of all or part of his property. <sup>1</sup>

" *Article 218-5* . - Anyone who, by any means whatsoever, persuades, incites or provokes others to commit one of the offenses provided for in this chapter, is liable to the penalties prescribed for this offense. <sup>1</sup>

" *Article 218-6* . - In addition to the cases of complicity provided for in Article 129 of this code, is punished with imprisonment of ten to twenty years, anyone who knowingly provides a person who is the author, co-author or accomplice of a terrorist act, either weapons, ammunition or instruments of the offense, or pecuniary contributions, means of subsistence, correspondence or transport, or a place of meeting, accommodation or retirement or which helps them to dispose of the proceeds of their misdeeds, or otherwise knowingly assisting them.

However, the court may exempt from the penalty incurred the relatives or allies up to the fourth degree, inclusive, of the perpetrator, co-perpetrator or accomplice of a terrorist act, when they have only provided the latter with accommodation or means personal subsistence. <sup>1</sup>

" *Article 218-7* . - The maximum penalties provided for the offenses referred to in Article 218-1 above are noted as follows, when the acts committed constitute terrorism offenses:

- death when the penalty provided for is life imprisonment;

- life imprisonment when the maximum penalty is 30 years' imprisonment;

- the maximum of custodial sentences is doubled, without exceeding thirty years when the penalty provided for is imprisonment or imprisonment;

- when the prescribed penalty is a fine, the maximum penalty is multiplied by one hundred without being less than 100,000 dirhams;

- when the perpetrator is a legal person, the dissolution of the legal person as well as the two security measures provided for in article 62 of the penal code must be pronounced subject to the rights of others. <sup>1</sup>

" *Article 218-8.* - Is guilty of non-disclosure of terrorism offenses and punishable by imprisonment from five to ten years, any person who, having knowledge of plans or acts tending to the commission of acts constituting terrorism offenses, does not, as soon as it becomes aware of them, make a declaration to the judicial, security, administrative or military authorities.

However, the court may, in the case provided for in the first paragraph of this article, exempt from the penalty incurred the relatives or allies up to the fourth degree, inclusive, of the author, co-perpetrator or accomplice of a terrorism offense. .

In the case of a legal person, the penalty is the fine of 100,000 to 1,000,000 dirhams. <sup>1</sup>

" *Article 218-9.* - Benefit from an absolute excuse, under the conditions provided for in articles 143 to 145 of this code, the author, the co-author or the accomplice who, before any attempt to commit a terrorist offense which is the subject of an agreement or of an association and before any setting in motion of the public action, has the first, revealed to the judicial, security, administrative or military authorities the established agreement or the existence of the association.

When the denunciation has taken place after the offense, the penalty is halved for the perpetrator, the co-perpetrator or the accomplice who automatically presents himself to the above-mentioned authorities or who denounces the co-perpetrators or accomplices in the offense. .

When the penalty provided for is death, it is commuted to the penalty of life imprisonment, when it comes to the penalty of life imprisonment, it is commuted to imprisonment of 20 to 30 years. <sup>1</sup>

**Article two:** Articles 40, 70, 72 and 86 (1<sup>st</sup> paragraph) of the aforementioned penal code are completed as follows:

" *Article 40* (2<sup>nd</sup> paragraph added): The courts may also apply the provisions of the first paragraph of this article when imposing a tort sentence for a terrorism offense.

<sup>1</sup>

" *Article 70* . - Any jurisdiction .....  
..... at five years.

" (*2<sup>e</sup> paragraph added*) . - When the act committed constitutes an offense of terrorism, the court may assign the convicted person a place of residence as provided for in the first paragraph above from which he may not leave without authorization for the period fixed in the judgment without, however, exceeding ten years.

The residence assignment decision .....  
.....  $\hat{1}$

( *The continuation without modification.* )

" *Article 72*. - The prohibition .....  
.....  
..... law.

She can .....  
.....  
..... this offense.

She .....  
..... main.

(*4<sup>e</sup> added paragraph*) . - However, the residence ban can still be pronounced when the court applies a prison sentence for a terrorism offense.  $\hat{1}$

" *Article 86 (first paragraph)*. - The inability to exercise any public functions or jobs must be pronounced by the court in the cases decreed by law and in the case of an offense constituting an act of terrorism.  $\hat{1}$

**Article three:** Chapter II of Title I of Book 1 of the aforementioned Penal Code is supplemented by the following Article 44-1:

"<sup>o</sup> *Article 44-1* . - When it concerns an act constituting an offense of terrorism, the court may order the confiscation provided for in article 42 of this code.

Confiscation must always be pronounced, in the cases provided for in articles 43

and 44 of this code, subject to the rights of third parties, in the event of a conviction for a terrorism offense. °

**Title II:**

**Article four:** The provisions of articles 59 (2<sup>nd</sup> paragraph), 62, 79, 102, 108 (3<sup>rd</sup> and 4<sup>th</sup> paragraphs) and 115 of the law n ° 22-01 relating to the criminal procedure promulgated by the dahir n ° 1-02-255 of 25 rejev 1423 (3 October 2002) are supplemented as follows:

"° *Article 59 (2<sup>th</sup> paragraph)* - Except in matters affecting the state security or in the case. a terrorism offense, the judicial police officer only with the persons referred to in Article 60, the right to see the papers or documents before making their saisie. °

"° *Article 62 (3<sup>e</sup> paragraph added)*. - In the case of a terrorism offense and if the necessities of the investigation, the case of extreme urgency or the fear of the disappearance of evidence so require, searches and house visits may take place, exceptionally, before six in the morning and after nine in the evening with the written authorization of the public prosecutor. °

"° *Article 79.* - Searches .....  
..... takes place.

This assent .....  
..... as assent.

The provisions ..... apply.

*(4<sup>th</sup> paragraph added)* . - In the case of a terrorism offense and if the person for whom the operation is to take place has refrained from giving his consent, or when it is not possible to obtain this consent, the operations provided for in the first paragraph of this article may take place with the written authorization of the public prosecutor in the presence of the person concerned. When the said person refrains from giving his consent or in the event of impediment, the operation must take place in the presence of two persons other than the subordinates of the judicial police officer. °

"° *Article 102.* - In matters of crime, or in the case of a terrorism offense, if the search is carried out at the home of the accused, the investigating judge is

empowered to do so, outside the hours fixed in the Article 62, provided that it is done personally and in the presence of the representative of the public prosecutor.

In the case of a terrorism offense, the examining magistrate may, in cases of extreme urgency, by reasoned decision, request, by letter rogatory, a magistrate or one or more judicial police officers, to carry out the search outside the legal hours in the presence of a prosecutor. °

° *Article 108 (3<sup>th</sup> paragraph)*. - The Attorney General of the King may also, if the necessities of the investigation so require, request in writing from the first president of the court, order the interception of telephone calls or communications made by means of remote communication, record them and make copies or seize them, when the offense under investigation affects to the security of the State, in the case of a terrorism offense or when it relates to criminal associations, homicide, poisoning, kidnapping and the hostage-taking, counterfeiting or falsification of currency or public credit effects, narcotics and psychotropic substances, arms, ammunition and explosives or the protection of health.

*(4<sup>th</sup> paragraph)*. - However, the Attorney General of the King may, exceptionally, in cases of extreme urgency, when the necessities of the investigation require speed for fear of the disappearance of evidence, order in writing the interception of telephone calls or communications made by means of remote communication, to record them, take copies and seize them, when the offense affects State security, in the case of a terrorism offense or when on narcotics, psychotropic substances, weapons, ammunition and explosives, kidnapping people or hostage taking. °

° *Article 115 (2<sup>e</sup> paragraph added)*. - Without prejudice to the more severe penal provisions, the penalty is five to ten years' imprisonment when the facts in the first paragraph above are made for the purposes of terrorism °.

**Article Five:** The provisions of Articles 66 (4<sup>th</sup> and 9<sup>th</sup> paragraphs) and 80 (4<sup>th</sup> and 10<sup>th</sup> paragraphs) of the law on the aforementioned criminal procedure are amended and supplemented as follows:

° *Article 66 (4<sup>th</sup> paragraph added)*. - In the case of a terrorism offense, the duration of police custody is fixed at ninety-six hours, renewable twice for a period of ninety-six hours each time with written authorization from the ministry public.

*(9<sup>th</sup> paragraph)* . - In the event of an offense of terrorism or the offenses referred



to in article 108 of this law and if the necessities of the investigation so require, the representative of the public prosecutor may, at the request of the police officer judicial, delay disclosure of solicitor and client without this delay exceeds forty-eight hours after the first overtime. °

"° *Article 80 (4<sup>th</sup> paragraph)*. - In the case of a terrorism offense, the duration of police custody is fixed at ninety-six hours, renewable twice, for a period of ninety-six hours each time with the written authorization of the Public minister.

*(10<sup>th</sup> paragraph)* . - In the event of terrorism offenses or offenses referred to in article 108 of this law and if the necessities of the investigation so require, the representative of the public prosecutor may delay the communication of the lawyer with his principal to the request of the judicial police officer without this delay not exceeding forty-eight hours from the first extension. °

## **Article six:**

### **Title IV: Procedure relating to the financing of terrorism**

"° *Article 595-1* . - The Attorney General of the King may, on the occasion of a judicial inquiry, ask the banks subject to the provisions of the dahir on law [n ° 1-93-147](#) of 15 moharrem 1414 (July 6, 1993) relating to the exercise of the activity of credit institutions and their control and to offshore banks governed by law n ° 58-90 relating to offshore financial centers promulgated by dahir n ° 1-93-131 of 23 chaabane 1412 (February 26, 1992), information on operations or movements of funds suspected of being linked to the financing of terrorism.

Saisis d'une procédure en relation avec une infraction de terrorisme, le juge d'instruction et la juridiction de jugement peuvent également demander les renseignements prévus au premier alinéa du présent article. °

"° *Article 595-2*. - Les autorités judiciaires prévues à l'article précédent peuvent ordonner le gel ou la saisie des fonds soupçonnés d'être liés au financement du terrorisme.

Elles peuvent demander l'assistance de Bank AI-Maghrib pour la mise en exécution de ces mesures.

Elles notifient à Bank AI-Maghrib les mesures prises et la suite qui leur a été donnée. °

"°Article 595-3. - On entend par le terme "°gel"° l'interdiction temporaire du transfert, de la conversion, de la disposition ou du mouvement des biens ou le fait de les soumettre à la garde.

"°Article 595-4. - Les établissements bancaires visés à l'article 595-1 ci-dessus, doivent fournir les renseignements demandés dans un délai maximum de 30 jours à compter de la date de réception de la demande.

Le secret professionnel ne peut être opposé aux autorités visées à l'article 595-1 ci-dessus ou à Bank AI-Maghrib par les banques.

Pour tous faits et actes accomplis à l'occasion de l'exercice des missions qui sont dévolues à Bank AI-Maghrib ou aux banques par le présent titre, aucune poursuite fondée sur l'article 446 du code pénal et aucune action en responsabilité civile ne peuvent être engagées à l'encontre de ces établissements ou de leurs dirigeants ou agents.°

"°Article 595-5. - Il est interdit d'utiliser les renseignements recueillis à d'autres fins que celles prévues par le présent titre.°

"°Article 595-6. - Dans le cadre de l'application des conventions internationales en matière de lutte contre le financement du terrorisme auxquelles le Royaume du Maroc a adhéré et dûment publiées, le gouvernement peut, à la demande d'un Etat étranger, saisir de la demande le procureur général du Roi afin de prendre les mesures suivantes :

- 1 - la recherche et l'identification du produit d'une infraction de financement du terrorisme, des biens qui ont servi ou étaient destinés à commettre cette infraction ou de tout bien dont la valeur correspond au produit de cette infraction ;
- 2 - le gel ou la saisie des biens ;
- 3 - la prise de mesures conservatoires sur ces biens.

La demande est rejetée par le procureur général du Roi si :

- son exécution risque de porter atteinte à la souveraineté, à la sécurité, aux intérêts essentiels de l'Etat ou à l'ordre public ;

- les faits sur lesquels elle porte ont fait l'objet d'une décision judiciaire définitive sur le territoire national ;
- la décision judiciaire étrangère a été prononcée dans des conditions n'offrant pas de garanties suffisantes au regard des droits de la défense ;
- les faits à l'origine de la demande ne sont pas liés au financement du terrorisme.°î

"°Article 595-7. - L'exécution sur le territoire national d'une décision de gel, de saisie ou de confiscation prononcée par une autorité judiciaire étrangère et faisant l'objet d'une demande présentée par ladite autorité, est subordonnée à l'autorisation du procureur général du Roi.

La décision de gel, de saisie ou de confiscation doit viser un bien ayant servi ou qui était destiné à commettre l'infraction, et se trouvant sur le territoire national, ou consister en l'obligation de payer une somme d'argent correspondante à la valeur de ce bien.

L'exécution de la décision étrangère est subordonnée à la satisfaction de la double condition suivante :

- 1 - la décision judiciaire étrangère est définitive et exécutoire selon la loi de l'Etat requérant ;
- 2 - les biens à geler, à saisir ou à confisquer en vertu de cette décision sont susceptibles d'être gelés, saisis ou confisqués dans des circonstances analogues selon la législation marocaine.°î

"°Article 595-8. - L'autorisation par le procureur général du Roi de la confiscation entraîne, sans préjudice des droits des tiers, le transfert à l'Etat marocain de la propriété des biens confisqués, sauf s'il en est convenu autrement avec l'Etat requérant ou dans le cadre de l'application d'une convention internationale ou du principe de la réciprocité.

La décision d'autorisation du procureur général du Roi permettant le gel ou la saisie n'entraîne que l'indisponibilité des fonds objet de la décision qui ne peuvent faire l'objet d'aucune aliénation pendant la durée d'effet de la décision.°î

"°Article 595-9. - Toutes les personnes qui participent au traitement du renseignement financier et à l'action contre les circuits liés au financement du

terrorisme et plus généralement, toutes personnes appelées, à un titre quelconque, à connaître ou à exploiter de tels renseignements, sont strictement tenues au secret professionnel sous peine de la sanction prévue à l'article 446 du code pénal.°î

"°*Article 595-10.* - Sont punis des peines prévues à l'article 446 du code pénal, les dirigeants ou agents des banques qui auront sciemment porté à la connaissance de la personne en cause ou de toute autre personne, par quelque moyen que ce soit, des renseignements sur une enquête menée sur les mouvements de ses fonds soupçonnés d'être liés au financement du terrorisme.

Est punie des mêmes peines toute personne qui aurait utilisé sciemment les renseignements recueillis à d'autres fins que celles prévues par le présent titre.°î

**Article sept :** Nonobstant les règles de compétence prévues par le code de procédure pénale ou par d'autres textes, la Cour d'appel de Rabat est compétente pour les poursuites, l'instruction et le jugement des actes constituant des infractions de terrorisme.

Ladite juridiction peut, pour des motifs de sécurité publique et exceptionnellement, tenir ses audiences dans les sièges d'une autre juridiction.

**Article huit :** Sous réserve des dispositions de l'article 9 ci-dessus, l'article 755 de la loi n° 22-01 relative à la procédure pénale, promulguée par le dahir n° 1-02-255 du 25 rejb 1423 (3 octobre 2002), est modifié ainsi qu'il suit :

"°*Article 755 (1<sup>er</sup> alinéa).* - Les dispositions de la présente loi entrent en vigueur à compter du premier octobre 2003.°î

**Article neuf :** Les dispositions de la présente loi et celles du chapitre V du titre III du livre premier de la loi n° 22-01 relative à la procédure pénale entrent en vigueur à compter de la date de sa publication au *Bulletinofficiel*.