

Memorandum of Understanding
On Co-operation
between
the Government of the Kingdom of Morocco
and
the Government of the United Kingdom of Great Britain and Northern
Ireland concerning persons subject to
deportation for reasons of involvement in terrorism

The Government of the Kingdom of Morocco and the Government of the United Kingdom of Great Britain and Northern Ireland:

- *Wishing to strengthen and widen their co-operation in combating international terrorism;*
- *Considering that terrorism is a world phenomenon and that increasing international co-operation is required to oppose it;*
- *Considering that combating international terrorism should take place in accordance with international and national law;*
- *Recognising that the dignity inherent in all human beings and their equal and inalienable rights constitute the foundation of liberty, justice and peace in the world;*
- *Being parties to the principal international treaties of the United Nations on human rights, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms*

of Discrimination against Women (CEDAW), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);

Have decided as follows:

Purpose of Memorandum of Understanding

1. Nationals of either State, situated in the territory of the other State and representing a serious threat owing to their involvement in acts related to terrorism, may be deported to the State of which they are a national, subject, in each case, to the prior approval of the requested State.
2. National means any person having exclusively the nationality of one or the other State. Any other case may be resolved through diplomatic means.

Procedure

3. Any request for deportation under this Memorandum of Understanding will be addressed in writing by the Embassy of the requesting State to the Ministry of Foreign Affairs of the requested State, which will communicate it to its competent authorities for that purpose.
4. The request will be accompanied by the necessary information relating to the identity of the person concerned and the acts representing a serious threat due to his involvement in acts related to terrorism which that person was planning to commit or has committed, or in which that person has been complicit.
5. The requested State's response to the requesting State will be given in writing through the Ministry of Foreign Affairs within a reasonable period of time, taking into account the information provided by the requesting State for the purpose of establishing the identity of a person subject to deportation.

6. The two Governments will notify each other, within a reasonable period of time, of any outstanding penalty imposed on persons who are the subject of deportation to the requested State. The requested State will notify the requesting State of any criminal charges of which it has become aware against persons forming the subject of a deportation notification, as well as of the penalties provided for in the event that those charges are upheld by the competent courts.
7. Any information exchanged between the two States in the course of applying this Memorandum of Understanding will be used for the sole purpose for which it has been communicated and in compliance with the obligations of national legislation.

Rights of Deportees

8. The two Governments will ensure compliance with the following provisions (9. to 21.) in respect of persons to be deported pursuant to this Memorandum of Understanding.
9. Persons to whom this Memorandum of Understanding applies will benefit from the rights provided for in the national legislation of the requested State and in the international human rights conventions to which that State is party.
10. Deportation will be carried out in a humane and dignified manner pursuant to a decision taken, in accordance with the law, by a competent authority in compliance with the relevant human rights provisions.
11. Every duly reasoned deportation decision will be notified in writing to the persons concerned and explained in a language of their understanding. The persons concerned will be informed of their rights before the decision is taken or, at the latest, at the time when it is taken, in order for them to exercise, if they so desire, all the rights granted to them by law, in particular in respect of judicial and/or administrative actions before the competent authorities.

12. Deportation, in accordance with the legislation of the requesting State, will not violate any of the established rights of deported persons, including the right to receive income and other benefits due to them.
13. Persons subject to deportation are entitled to communicate with the consular or diplomatic authorities of the State of which they are nationals or of the State representing the interests of their country.
14. If persons deported pursuant to this Memorandum of Understanding are arrested or detained by the requested State, they will, in the same way as other nationals, benefit from all the rights and guarantees provided for in that State's national legislation and in international conventions to which it is party, in particular they will:
 - (a) receive humane and proper treatment, in accordance with national legislation and the international conventions to which the requested State is party;
 - (b) be informed, by the authorities of the requested State, in accordance with the law and within the time-limits laid down by law, of the reasons for their arrest or detention and of any charge brought against them;
 - (c) be entitled to consult a lawyer, within the time-limits and under the conditions provided for by law; and
 - (d) be brought, within the time-limits provided for by law, before a competent court.
15. Deported persons will be allowed to observe, in so far as possible and in accordance with the legislation in force, the requirements of religious life following their return, including while under arrest, detained or imprisoned.
16. If deported persons are charged with an offence in the requested State, they will, in the same way as other nationals of that State, be given a fair hearing by

a competent court, established by law, within the time-limits laid down by the legislation in force.

17. In accordance with the legislation in force, the persons concerned will benefit from the right to prepare their defence. Within the limits laid down by the relevant legislation in the requested State, they will be authorised to examine, or have examined, in the presence of both parties, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them.
18. Persons deported under this Memorandum of Understanding who are, in accordance with the law, brought before the courts of the requested State will, in the same way as other nationals of that State, be allowed to defend themselves within the limits laid down in law, and will also have the right to the services of a lawyer of their choice at their own expense. If they do not have sufficient financial resources, the persons concerned will be entitled to the services of a lawyer by way of legal aid.
19. Any judgment made against the persons concerned will be delivered in compliance with the guarantees of a fair trial provided for by the national legislation and international agreements to which both States are parties.
20. Persons deported under this Memorandum of Understanding may, with regard to any complaints, exercise the legal remedies available in the requested State for the purposes of ensuring compliance with the law.
21. The two States have agreed to set up in Morocco and in the United Kingdom a follow-up mechanism for the person deported.

The procedures for the setting-up, operation and scope of the mechanism will be defined at a later date by joint understanding by the two States and will be the subject of an exchange of letters which will be concluded for that purpose.

The mechanism will be responsible for carrying out visits to the deported person during the judicial procedures applicable to the person, in particular during custody, investigation and trial. It may also carry out visits to the deported person in the place of detention if that person must serve the penalty of imprisonment imposed by the judgement of the competent court.

The mechanism will carry out its actions in compliance with the national legislation of each State.

Final Provisions

22. This Memorandum of Understanding, the provisions of which are interpreted and applied without prejudice to those of national legislation, will take effect on the date it is signed.
23. This Memorandum of Understanding is concluded for a period of two years and thereafter will be automatically renewed every two years for a further period of two years unless one of the Governments gives six months' written notice to terminate. Following termination, any person deported pursuant to this Memorandum of Understanding will continue to benefit from its provisions and will be treated in accordance with the legislation in force and the international conventions to which the requested State is party.
24. This Memorandum of Understanding may be amended by joint understanding in writing through diplomatic means.
25. Any dispute regarding the interpretation and application of this Memorandum of Understanding will be resolved through diplomatic means.

Signed in three original copies at New York on this 24 day of September 2011, in the Arabic and English and French languages, all three texts being equally valid.

For

**the Government of the
Kingdom of Morocco**

For
**the Government of the
United Kingdom of Great
Britain and Northern Ireland**
