

Law No. 86-14 amending and supplementing the Criminal Code and the Code of Criminal Procedure with respect to combating terrorism

Reference: Dahir No. 1-15-53 of 1 Chaabane 1436 (20 May 2015) promulgating Law No. 86-14 amending and supplementing certain provisions of the Criminal Code and the Code of Criminal Procedure relating to combating terrorism

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Practice areas: Criminal law and business crime

Law 86-14 supplements the counter-terrorism framework established by Law 03-03. In particular, it criminalises joining or attempting to join terrorist entities abroad, recruitment and training, and adapts the procedural rules, including territorial jurisdiction and police custody periods.

Offences

- Joining or attempting to join, individually or collectively, terrorist organisations or groups inside or outside the Kingdom.
- Recruitment, training and instruction with a view to committing terrorist acts.
- Glorification of terrorism and dissemination of its propaganda by any means, including electronic means.

Procedural rules

- Jurisdiction over terrorism cases is centralised in the courts of Rabat-Salé.
- Police custody is subject to specific time limits, longer than under ordinary law, with the written authorisation of the public prosecutor.
- Access to a lawyer and a medical examination remain guaranteed under the conditions laid down by law.

Points to watch

- The derogatory custody periods make early intervention by a lawyer decisive.
- Classification as a terrorist offence entails specific procedural rules and much heavier penalties: it should be contested from the investigation stage.
- Content shared online may be enough to establish glorification: digital evidence must be challenged in due form.

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