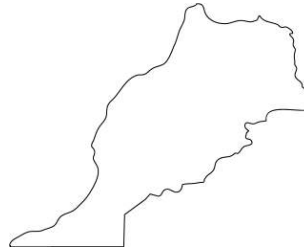


KINGDOM OF MOROCCO

(AL MAGHRIB)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Civil Law System based on French, Spanish and Islamic law, and French legal procedure.
POLITICAL SYSTEM	Constitutional Monarchy.
HEAD OF STATE	King.
HEAD OF GOVERNMENT	Prime Minister.
SUBNATIONAL ENTITIES	The country is divided into 17 <i>Wilayas</i> , 22 <i>préfectures</i> and 47 provinces. The <i>Wilayas</i> are headed by a <i>Wali</i> who may at the same time be a governor of a prefecture, while all provinces and prefectures are headed by governors. All <i>Walis</i> and governors are appointed by the king (included in these figures are those pertaining to Western Sahara). Each province or prefecture has an elected assembly; the number of the members of these assemblies is proportional to the population of the concerned territory.
SUBLOCAL ENTITIES	All provinces and prefectures are further subdivided into <i>cercles</i> (circles) which are further divided into <i>qaidats</i> . Each <i>cercle</i> is associated with one or more communes. Rural <i>qaidats</i> are headed by <i>qaid</i> s, rural circles are headed by <i>chef de cercle</i> while urban <i>circonscriptions</i> are led by <i>pashas</i> . Below the <i>qaid</i> s and <i>pashas</i> are a number of government administrators including <i>Khalifas</i> , <i>Shaykhs</i> , and <i>Muqaddams</i> .
TRANSLITERATION SYSTEM	Arabic.

LANGUAGES	Arabic is the official language. Others include French, Berber dialects (Tachelhit, Tamazight and tarifit), and Spanish.
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CONSTITUTION

OFFICIAL NAME	<i>Le Royaume du Maroc.</i>
ENACTMENT	First Constitutional Project: 1908. First promulgated Constitution: 1962 Second Constitution: 1970 Third Constitution: March 10, 1972. Revised on September 4, 1992. Amended (to create bicameral legislature and other substantial changes) in September 1996.
CITATION FORMAT	ROYAUME DU MAROC [Constitution] art. <article number>. <chapter>, <section> (Morocco 1996).
<i>Example</i>	ROYAUME DU MAROC [Constitution] art. 10. 5, 2 (Morocco 1996).

STATUTES

GOVERNMENT STRUCTURE	The Bicameral Parliament consists of an upper house (Chamber of Counselors) and lower house (Chamber of Representatives). Members of the upper house serve nine year terms and are indirectly elected by organizations, local councils, and labor syndicates. Every three years one third of the members are renewed. Members of the lower house are elected for five year terms by popular vote. Each chamber elects its own president, its bureau along with parliamentary groups.
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LEGISLATIVE PROCESS	The bicameral parliament holds two sessions a year. The opening ceremony of the October session is presided over by the King. Parliament may also hold a special session. The special session may be convened by decree, or by the request of an absolute majority in one house. No member may be arrested during a session without permission from the house. The Chamber of Advisers may initiate legislation on equal footing with the Chamber of Representatives, but the former has the potential decisive advantage of being able to dissolve the government with a two-thirds majority vote.
REPORTER	<i>Bulletin Officiel.</i>
CITATION FORMAT	<“Name of Law if Available”>, Law No. <law number>, <volume> <i>Bulletin Officiel</i> <page>, <month day, year>.
<i>Example</i>	Law No. 23-98, 4726 <i>Bulletin Officiel</i> 715, Sept 16, 1999.
ROYAL DECREES	Made by <i>Dahir</i> (“Royal Pronouncement”) and placed in <i>Bulletin Officiel</i> (“Official Reporter”).
CITATION FORMAT	<Name of Royal Decree>, <i>Dahir</i> No. <number>, <month day, year>, art. <article number>.
<i>Example</i>	Mining Decree, <i>Dahir</i> No. 1-23-456, Jun 20, 1985, art. 3.

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES	The Administrative power in Morocco is organized into two layers: local communities and provincial assemblies. The assemblies have the following responsibilities: determination of ways to collect duties and taxes for regional development programs of the prefecture or province; projects of industrial decentralization; establishment of rules for prefectural and provincial public services; classifying, extending, and maintaining roadways.
REPORTER	<i>Bulletin Officiel.</i>

CITATION FORMAT	<Name of administrative regulation>, Regulation No. <number>, <volume> <i>Bulletin Officiel</i> <page>, <month day, year>.
<i>Example</i>	Labor Regulation, Regulation No. 1-23, 12 <i>Bulletin Officiel</i> 2, Jun 29, 1999.

CODES

Al-Mudawwanah (family law)	Enacted in 1957 and modified in 2004
Code de Procédure Civile (CODE OF CIVIL PROCEDURE)	Enacted in 1913.
Code Penal (CRIMINAL CODE)	Enacted in 1962.
Code de Procédure Penal (CRIMINAL PROCEDURE CODE)	Enacted in 1959.
Commercial Code	Enacted in 1996. Located in <i>Bulletin Officiel</i> .
CITATION FORMAT	<Name of Code>. Loi. <number>. <Date Promulgated>. <Date Amended>.
<i>Example</i>	Judicial Code. Loi. 1-23-456. 5 Jan 1975.

CASE LAW

JUDICIAL OVERVIEW:

According to the Constitution, judicial power is to be independent from the executive and legislative branches. The *Dahir* appoints magistrates by proposal of the high council of magistrature.

First degree jurisdiction includes: First Instance Courts, Trade Courts, and Communal and District Courts. First Instance Courts are responsible for civil cases related to persons or inheritances, and social and commercial laws. Trade courts cover disputes involving commercial activities, business, and trade effects that are limited by a specific amount. Communal and District Courts hear personal estate actions against residents of their jurisdiction. The value amount must be under a certain sum.

Second degree jurisdiction includes appeals courts that hear cases made by tribunals and judges of Original Jurisdiction. They also try criminal cases. The Supreme Court hears appealed decisions, jurisdiction disputes amongst courts, bias suits against courts, and various other cases.

Administrative courts can make initial rulings on acts against administrative authorities, contract disputes, and compensation claims against public entities. Such courts may also rule on administrative acts in order to make them consistent with legal provisions.

The remaining jurisdictions include: The High Court, The Standing Tribunal of the Royal Armed Forces, and The Audit Court (The Special Court of Justice was dissolved in 2006).

REPORTER

Recueil des Arrêt de la Cour d'appel de Rabat ("Court of Appeals Reporter").

CITATION FORMAT (COURT OF APPEALS)

<Name of Court [abbreviation of court] [English name of court]> <region>, <decision date>, <reporter or journal year published>, <section of journal (if applicable)>, <page of decision or number of decision>, <pin cite>, <author of case note>, <country abbreviation if it is not obvious>.

<i>Example</i>	<i>Cour Supreme</i> [C.S.] [Supreme Court] South Region, May 28, 1983, <i>Recueil des Arrêt de la Cour Supreme</i> 2000, 115, 125, John Smith (Morocco).
REPORTER	<i>Recueil des Arrêt de la Cour Supreme</i> (“Supreme Court Reporter”).
CITATION FORMAT (SUPREME COURT)	Same format as Court of Appeals Citation.
<i>Example</i>	<i>Cour d’appel</i> [C.A.] [Court of Appeals] South Region, May 28, 1983, <i>Recueil des Arrêt de la Cour d’appel de Rabat</i> 2000, 115, 125, John Smith (Morocco).

SOURCES

The CIA Factbook:

<https://www.cia.gov/cia/publications/factbook/geos/mo.htm>

ROYAUME DU MAROC [Constitution]

<http://www.mincom.gov.ma/french/prc/prc.html>

6 Kenneth Robert Redden, *Modern Legal Systems Cyclopedia* 6.360.24 (1990).

III-A Thomas H. Reynolds & Arturo A. Flores, *Foreign Law: Current Sources of Codes and Legislation in Jurisdictions of the World* 8 (1994) (Morocco section released on 12/2001).

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Official Site of Dr. Hassan Rahmouni. <http://www.hassanrahmouni.com>

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