

GENERAL TEXTS

Dahir No. 1-20-08 of 11 Rejeb 1441 (March 6, 2020) promulgating Law No. 77-17 on the organization of forensic medicine.

PRAISE BE TO GOD ALONE!

(Great Seal of His Majesty Mohammed VI)

Let it be known by this document—may God elevate and strengthen its content!

That Our Cherifian Majesty,

Having regard to the Constitution, in particular Articles 42 and 50 thereof,

HAS DECIDED AS FOLLOWS:

Law No. 77-17 on the organization of forensic medicine, as adopted by the House of Representatives and the House of Advisors, is hereby promulgated and shall be published in *the Official Gazette* following this dahir.

Done at Fez, on 11 Rajab 1441 (March 6, 2020).

For countersignature:

The Head of Government,

SAAD DINE EL OTMANI.

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**Law No. 77-17
relating to the organization of the
exercise of forensic medicine missions**

Chapter I General

provisions Article 1

This law establishes the conditions and rules governing the practice of forensic medicine, the duties, rights, and obligations of physicians practicing forensic medicine, the procedures by which they are appointed by the competent judicial authorities, and the criminal and disciplinary provisions applicable to offenses committed in violation of the provisions of this law.

Article 2

Doctors practicing forensic medicine are auxiliaries of justice and carry out their duties in accordance with the conditions set out in this law and the regulations adopted for its application, as well as in other laws and regulations in force.

Chapter 2

Duties, rights, and obligations of physicians practicing forensic medicine

Section 1. – Physicians practicing forensic medicine and their duties

Article 3

The following shall perform forensic medicine duties:

- physicians specializing in forensic medicine who are registered as such, in accordance with the legislation in force, in the register of the National Medical Association;
- physicians practicing in municipal health offices and health services under the jurisdiction of the Department of Health who have obtained a certificate of specialized training in one of the fields of forensic medicine in accordance with the provisions of Article 37 below;
- legal entities, whether public or private, established in accordance with the legislation in force, provided that the persons performing forensic medicine duties therein hold a specialist degree in forensic medicine in accordance with the first paragraph of this article.

Article 4

The duties of a physician practicing forensic medicine are as follows:

- 1 – to carry out clinical examinations of persons who have suffered physical or mental injury in order to describe the injuries, determine their nature and causes, assess the resulting bodily harm, determine the date on which the injuries occurred and the means by which they were caused, and to draw up reports or medical certificates, as appropriate;
- 2 – providing technical opinions on matters brought before the courts that fall within their area of expertise, in particular with regard to the examination and determination of marks found on the bodies of victims resulting from offenses;
- 3 – Estimate age on behalf of the judicial authorities, at the request of any interested party or in cases provided for by law;
- 4 – examine or take samples from persons in police custody, detained or held in a penal institution, in order to determine the nature of the injuries sustained, their cause and their date;
- 5 – ensuring the examination and autopsy of corpses and human remains in order to determine the nature of the death, its cause and the date on which it occurred, providing a description of the injuries sustained and their causes, and contributing, where appropriate, to the identification of the deceased person;
- 6 – attend the exhumation of corpses of persons whose cause of death is suspicious and make a report;

7 – travel to make observations and collect samples useful for research;

8 – collect organic samples from bodies, such as semen, blood, hair, and tissue fragments;

9 – provide the necessary medical interpretations based on the available data and the results of tests and analyses carried out by approved and delegated laboratories on various organic samples and other substances such as drugs and poisons;

10 – carry out any other tasks that may be assigned to them by the competent judicial authorities in connection with the nature of their duties.

Section 2. – Rights and obligations of physicians performing forensic medicine duties

Article 5

The physician performing forensic medicine duties shall enjoy complete autonomy in expressing his or her technical opinions on the duties assigned to him or her. To this end, he or she shall be held responsible for all opinions expressed and certificates and reports drawn up.

The autonomy of physicians performing forensic medicine duties does not preclude oversight by the judicial authority that delegated them, with a view to providing any clarification requested on the results and conclusions they have reached.

Article 6

Physicians performing forensic medical duties undertake, when expressing their technical opinion, to remain neutral, impartial, honest, and to comply with professional ethics and professional standards, with a view to establishing the truth and contributing to the administration of justice.

Article 7

Physicians performing forensic medical duties may, in cases involving technical issues that do not fall within the scope of forensic medicine and with the prior authorization of the judicial authority that delegated them, seek the assistance of specialists in the field, noting this assistance in their report as provided for in Article 24 of this law.

The persons called upon to provide assistance as referred to above shall take an oath before the judicial authority that delegated the physician performing forensic medical duties concerned, in accordance with the formula provided for in Article 345 of the law on criminal procedure, unless they are registered on the list of judicial experts.

Article 8

The doctor performing forensic medical duties is bound by professional secrecy for the duties for which he has been delegated by the competent judicial authority.

As such, they are prohibited from disclosing any information extracted from the files or publishing any document, piece of evidence, or correspondence related to the task for which they have been delegated.

This prohibition does not apply to the competent judicial authority.

Article 9

A physician performing forensic medical duties may not be assigned to examine or perform an autopsy on the body of a person with whom he or she had a relationship in the context of curative or preventive medicine.

A physician performing forensic medical duties is prohibited from carrying out a task entrusted to them if they have a personal or professional interest that is incompatible with the performance of said task.

Section 3. – Medical experts performing forensic medicine duties

Article 10

Physicians performing forensic medicine duties shall be registered as forensic experts in one of the lists of forensic experts at the courts of appeal and in the national list of forensic experts by decision of the government authority responsible for justice, in accordance with the provisions of Law No. 45-00 on judicial experts, promulgated by Dahir No. 1-01-126 of 29 Rabii 1 1422 (June 22, 2001), and the texts adopted for its application.

Article 11

Physicians performing forensic medicine duties shall take an oath in accordance with the legislation in force.

For legal entities, the oath is taken not only by their legal representative, but also by the doctors who perform forensic medical duties on their behalf and by the technical staff employed by them in one of the fields of forensic medicine.

Chapter 3

Delegation of the physician performing forensic medicine duties

Section 1. – Terms and conditions for the delegation of the physician performing forensic medical duties

Article 12

The physician performing forensic medicine duties shall be delegated by the public prosecutor, the investigating judge, or the trial court, each within the limits of their powers as established by law.

Article 13

The judicial authorities referred to in Article 12 above may delegate more than one physician performing forensic medical duties if the nature of the task so requires.

Article 14

The competent judicial authorities may appoint a doctor performing forensic medical duties to visit the scene of the offense, make the necessary observations, and take samples.

The judicial police officer may, with the agreement of the public prosecutor or the investigating judge, be assisted by a doctor performing forensic medical duties for the purpose of visiting the scene of the offense, in cases of flagrante delicto or where urgency so requires.

Article 15

The physician performing forensic medical duties is required to comply with delegation orders and requests for assistance addressed to him, as the case may be, by the competent judicial authorities or by judicial police officers.

If a physician performing forensic medical duties is prevented from carrying out the duties assigned to them, they must immediately notify the authority that delegated them or requested their assistance. They may only be excused from performing their duties with the consent of that authority.

Article 16

The public prosecutors at the courts of appeal shall send annual reports to the public prosecutor at the Court of Cassation, in his capacity as head of the public prosecutor's office, on the results of the work carried out by doctors performing forensic medicine duties in their respective judicial districts.

The Attorney General of the King at the Court of Cassation, in his capacity as head of the public prosecutor's office, shall draw up an annual summary report on the basis of the above-mentioned reports, to which he shall attach, where appropriate, any observations arising from the practice of forensic medicine, and shall send it to the government authorities responsible for justice and health.

Section 2. – **Forensic autopsy**

Article 17

The public prosecutor, the investigating judge or the trial panel may, each within the limits of their jurisdiction, in the event of a death whose cause is unknown, doubtful, or impossible to determine by medical examination, delegate a physician practicing forensic medicine to perform an autopsy or take the necessary samples from corpses or human remains for analysis, whenever the needs of the investigation, inquiry, or trial so require.

Medical autopsies shall only be performed in cases of epidemic disease if this measure is necessary to establish the truth.

Article 18

Subject to the provisions of Article 17 above, the competent judicial authorities shall be required to order a medical autopsy in the following cases:

- death resulting from physical or sexual assault;
- death resulting from poisoning;
- death occurring in places of police custody, detention, imprisonment, or in establishments for the enforcement of sentences or preventive measures, or in detention centers;
- death with suspicion of torture;
- death resulting from suicide or in cases of suspected suicide.

Article 19

The judicial authority that delegated the forensic medical examiner may attend the autopsy.

The judicial police officer conducting the investigation may also attend, with the authorization of the public prosecutor.

Article 20

A relative of the deceased shall be notified by the judicial police officer, the public prosecutor, or the investigating judge of the autopsy ordered for the purposes of the investigation or inquiry. This notification shall be recorded in the minutes drawn up for this purpose.

Article 21

If the autopsy performed to determine the cause of death requires analyses or examinations of samples or human remains taken for the purposes of the investigation or inquiry, the doctor performing the forensic medical examination may ask the judicial authority that delegated the task to order the delegation of competent laboratories for the purposes of preserving the said samples or immediately carrying out the analyses.

The laboratory designated for this purpose shall send two copies of the report containing the results of the analyses or examinations, one to the authority that designated it and the other to the physician who performed the autopsy, for the purpose of determining the conclusions and results to be included in its final report.

Article 22

The competent judicial authority that delegated the forensic physician is required, in accordance with the legislation in force, to authorize the burial of the corpse or human remains as soon as possible and without delay after the autopsy or analysis, unless the needs of the investigation require postponing the burial.

The doctor performing forensic medical duties who carries out the autopsy or takes samples, the hospital administration, or the morgue shall be responsible for returning the body or human remains, whose burial has been authorized, to the family of the deceased in the best possible conditions.

Article 23

Notwithstanding the provisions of Dahir No. 986-68 of 19 Chaâbane 1389 (October 31, 1969) relating to burials, exhumations, and the transport of bodies, corpses that are the subject of a judicial investigation shall be exhumed by order of the competent judicial authority.

Section 3. – **Report of the doctor performing forensic medical duties**

Article 24

The physician performing forensic medical duties must prepare a report that includes the following information:

- the name of the physician, his or her position, and place of work;
- the authority that delegated them and the duties they are responsible for;

- the date, time, and place where the activities related to the assignment took place, as well as the date and time of the report if they differ from those of the activities;
- the full identity of the deceased or the person who was examined, or a description of them if their identity is unknown;
- the circumstances of the death or discovery of the body, indicating the source of the information obtained and the related medical data contained in the deceased person's medical file;
- the findings and description of the case;
- a description of the means, substances, and instruments used to commit the offense;
- the measures taken and the party delegated to analyze the samples taken from the bodies, as well as the results of those analyses;
- the probable causes of death;
- the conclusions and results obtained.

The report may be accompanied by photographs in paper or digital format.

Article 25

The physician performing forensic medical duties shall sign his report and send three copies to the judicial authority that delegated him. He shall submit one copy, with the latter's authorization, to the judicial police officer and keep one at the department where he works.

If several doctors performing forensic medical duties have been delegated to carry out the same task, the report shall be signed by all the delegated doctors who carried out the task, subject to the provisions of Article 206 of the law on criminal procedure.

Article 26

After the autopsy and before the burial of the body, the doctor performing the forensic medical examination shall send a report to the judicial authority that delegated him. If this proves impossible for objective or technical reasons, he or she shall then submit an initial report certifying that the autopsy has been performed and recording his or her initial observations, provided that the final report is submitted within the time limit set by the judicial authority that delegated him or her.

Article 27

In the report referred to in Article 25 above, the physician performing forensic medical duties shall limit himself to technical matters within his area of expertise. He is prohibited from discussing legal matters or accusing anyone.

Article 28

The report of the physician performing forensic medical duties shall be confidential. Only the judicial authority that delegated him or her may have access to it, or the judicial police officer, with the authorization of the competent judicial authority.

However, the public prosecutor or the investigating judge may issue a copy of the report to the victim, the

heirs of the deceased, or the defense, or allow them access to it, provided that this does not affect the proper conduct of the investigation or inquiry.

Article 29

The competent judicial authority may ask the doctor performing forensic medical duties to provide clarification on the duties he has performed and to explain the content of the report he has drawn up.

The judicial police officer in charge of the investigation may also, with the authorization of the competent judicial authority, ask the doctor performing forensic medical duties to provide him with the clarifications referred to in the previous paragraph.

Article 30

The judicial authority that delegated the physician performing forensic medical duties may order the physician to do whatever it deems necessary to ascertain the truth or delegate one or more other physicians to perform the requested duties. The competent judicial authority may also order a second opinion or additional expert opinion in accordance with the legislation in force.

Chapter 4

Disciplinary and criminal provisions Section 1.

– **Disciplinary provisions** Article 31

A physician delegated to perform forensic medicine duties forensic medicine who commits professional misconduct shall be subject to prosecution and disciplinary sanctions that may be imposed by the competent disciplinary authorities in accordance with the legislation in force.

Any unjustified failure on the part of the physician performing forensic medicine duties to carry out the judicial assignments assigned to him or her, or any deliberate and unjustified delay in this regard, constitutes professional misconduct that may result in disciplinary action.

Section 2. – **Penal provisions**

Article 32

Anyone who, without authorization, uses the title of physician practicing forensic medicine or performs the duties set forth in this law shall be deemed to have usurped a title regulated by law and shall be liable to the penalties provided for in Article 381 of the Penal Code.

Article 33

Anyone who obstructs or attempts to obstruct the work of a physician performing forensic medical duties, delegated by the competent authority within the framework of the duties entrusted to him, shall be punished by imprisonment for one to two years and a fine of 1,200 to 5,000 dirhams, or by one of these two penalties alone.

Article 34

A doctor performing forensic medical duties shall, in the performance of his duties or in the course of his practice, enjoy the protection provided for in Articles 263 and 267 of the Penal Code.

Article 35

Any physician performing forensic medical duties, appointed by virtue of a court decision, who gives a false opinion or who mentions facts in his report knowing that they are untrue or who knowingly conceals facts, shall be deemed guilty of perjury and shall be liable to the penalties provided for in the Penal Code.

Article 36

Any physician performing forensic medical duties, appointed by virtue of a court decision, who violates the professional secrecy provided for in Article 8 of this law shall be deemed guilty of disclosure of professional secrecy and shall be punishable by the penalties provided for this purpose by the Penal Code.

Chapter 5

Final and transitional provisions

Article 37

Doctors working in municipal health offices and health services under the Department of Health shall undergo a specialized training course in the fields of forensic medicine in order to be qualified to perform forensic medicine duties in accordance with the laws and regulations in force.

The duration of the training program, the training curriculum, the assessment methods, and the title of the corresponding certificate shall be determined by agreements between the relevant government departments and the specialized higher education institution, subject to the provisions of Article 8 of Law No. 01-00 on the organization of higher education.

Article 38

On the date of entry into force of this Act and subject to the provisions of the second paragraph below, doctors working in municipal health offices and health services under the Department of Health shall receive the training referred to in Article 37 above, in order to bring their situation into line with the provisions of this Act, within a period not exceeding four years from the date of publication of this Act in the *Official Gazette*.

However, doctors referred to in the first paragraph who, on the date of entry into force of this law, hold training certificates in one of the fields of forensic medicine shall be subject to an assessment of their training. To this end, a special commission shall be set up to validate the training acquired by these physicians and, where appropriate, provide them with additional training, as the case may be.

The composition and operating procedures of the said commission shall be determined by regulation.

The Arabic text was published in the general edition of the Official Gazette No. 6866 of 24 Rabi II 1441 (March 19, 2020).

Decree No. 2-20-641 of December 9, 2020, amending and supplementing Decree No. 2-16-174 of April 4, 2016 (April 4, 2016) implementing certain provisions of Law No. 77-15 prohibiting the manufacture, import, export, possession, sale, and use of plastic bags.

THE HEAD OF GOVERNMENT,

Having regard to Law No. 77-15 prohibiting the manufacture, import, export, possession, marketing, and use of plastic bags, promulgated by Dahir No. 1-15-148 of December 25, 2015 (December 7, 2015), as amended and supplemented, in particular Articles 1, 4, 4-1, 4-2, 4-3, 5, and 14;

Having regard to Decree No. 2-16-174 of 25 Jumada II 1437 (April 4, 2016) adopted for the application of certain provisions of Law No. 77-15 prohibiting the manufacture, import, export, possession, marketing, and use of plastic bags, as amended and supplemented;

After deliberation by the Council of Government, meeting on 10 Rabi II 1442 (November 26, 2020),

DECREES:

ARTICLE 1. – The provisions of Articles 1, 2, and 3 of the aforementioned Decree No. 2-16-174 of 25 Jumada II 1437 (April 4, 2016) are amended as follows:

"Article 1. – Pursuant to.....
"are set by:

"– Joint decree by the government authorities
"responsible for the interior, agriculture, industry
"and the environment for plastic bags
"referred to in paragraphs 5, 6, 7, and 8 of Article 1
".....No. 77-15;

"– Joint decree.....plastic
bags
"plastic bags referred to in paragraphs 4, 9, and 10 of
Article
"firstNo. 77-15.

"In addition tothe plastic bags referred to
"in paragraphs 5, 6, 7, and 8 of Article 1 of the aforementioned
law
".....these products.

"Article 2. – Pursuant to the bags
"plastic bags referred to in paragraphs 5 and 6 of Article 1
".....responsible for industry.

"Article 3. – Pursuant to.....
"the plastic bags referred to in paragraphs 7, 8, 9, and 10 of
"Article 1of the environment."

ART 2. – The provisions of the aforementioned Decree No.
2-16-174
of 25 Jumada II 1437 (April 4, 2016) are supplemented by
Articles 1-1, 1-2, 3-1, and 3-2 as follows:

"Article 1-1. – In addition to the technical characteristics of
"plastic bags for industrial use provided for in paragraph 5
" of Article 1 of the aforementioned Law No. 77-15 and in
application

"the provisions of the first paragraph of Article 4-1 of the
aforementioned law,

"are set, by order of the government authority responsible
"for industry, the technical characteristics to which