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HM the King Sends Message to Participants in International Conference on Independence of the Judiciary (Full Text)

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**HIS MAJESTY KING MOHAMMED VI
MAY GOD ASSIST HIM**



HM the King Sends Message to Participants in International Conference on Independence of the Judiciary (Full Text)

HM King Mohammed VI sent a message to participants in the high-level conference on the judiciary, which opened Monday in Marrakech under the theme "The independence of the judiciary: guaranteeing the rights of litigants and upholding the principles of justice."

Here is the full text of the Royal message, read by HM the king's advisor Abdellatif Menouni:

"Your Excellencies, honorable Ministers,

Distinguished Presidents of the Higher Councils of the Judiciary and Public Prosecutors,

Ladies and Gentlemen,

It gives me pleasure to send this message to your international forum and to welcome participants in this high-level conference on the judiciary. Given the high esteem in which I hold the judiciary and also the special attention I have always devoted to judicial bodies and to the members of the judicial system, I was keen to grant my patronage to this event.



First of all, I wish to commend you on your choice of theme: The independence of the judiciary: guaranteeing the rights of litigants and upholding the principles of justice. This is an important, topical theme for any judicial system that seeks to play a greater role in safeguarding rights and freedoms and in enhancing judicial security with a view to promoting development and protecting society.

I hope this conference will provide an opportunity for participants from different legal backgrounds to identify common challenges and come up with appropriate answers and innovative solutions to those challenges, building on the universal principles they have in common.

Your Excellencies,

Distinguished members of the Judiciary,

Ladies and Gentlemen,

Your meeting is taking place at a time when a major, historic reform of the judicial system is under way in Morocco.

Guided by a constant desire to comply with the modern principles governing judicial systems, the Kingdom of Morocco has been actively seeking to upgrade its judicial sector in order to respond to the concerns of citizens, satisfy the needs of litigants, fulfil the aspirations of society and meet the requirements of our time.

Convinced that the independence of the judiciary is of utmost importance and given the role it plays in the emergence of states committed to the rule of law, my country has sought to lay the foundations for judicial independence, taking the necessary



institutional, legislative and practical measures to that end.

In this regard, I was particularly keen to make sure the separation of powers was expressly enshrined in the Constitution. The latter also stipulates that a Higher Council of the Judiciary - chaired by the Sovereign and composed of legal and judicial experts as well as elected judges - is to be set up as an independent constitutional body which ensures that the guarantees provided to judges are respected and which manages judges' professional careers.

The Constitution also prohibits any interference in the cases being prosecuted, and the law provides for sanctions against any attempt to influence judges. Moreover, the Constitution stipulates that any failure by a judge to uphold his or her obligations with respect to the independence and impartiality of the judiciary would be considered a serious professional violation which could give rise to criminal prosecution.

The Constitution goes further in this regard, laying down provisions for upholding the rights of litigants and ensuring the proper administration of justice. It confirms the judge's role in terms of protecting the rights, freedoms and judicial security of individuals and groups. It also guarantees not only a citizen's right to take legal action, but also the presumption of innocence as well as the right to a fair trial within a reasonable timeframe.

These are constitutional principles which I wanted to see reflected in a national charter for the reform of the judicial system. The preparation of that charter, which includes a range of legislative, organizational and practical reforms and which was developed using an extensive participatory approach, was entrusted to a group of eminent judges, lawyers, judicial experts and professionals from the justice system.

Important legal texts have been adopted in this respect, particularly



the organic laws relating to the Higher Council of the Judicial Power and the Statute of Judges, in addition to the legislation which transferred the supervision of the Office of the Public Prosecutor from the Minister of Justice to the Attorney General at the Court of Cassation.

Through this collective initiative, my country has made important strides towards completing the institutional framework for running the judicial system.

I hope we can speed up the implementation of other relevant measures set out in the charter to update legislation and improve the functioning and performance of the judiciary, thus enhancing its independence, in keeping with the Kingdom's Constitution.

As the guarantor of the independence of the judiciary, I seek to make sure that that independence - as enshrined in the Constitution - serves the citizen, enhances the rule of law and promotes development.

Your Excellencies,

Distinguished members of the Judiciary,

Ladies and Gentlemen,

Like other communities which attach the utmost importance to the judicial system, and regardless of the accomplishments made with respect to the institutional framework underpinning the legal system, my country remains concerned by the stakes and challenges relating to judicial systems worldwide.



Chief among these challenges is the obligation to guarantee the independence of the judiciary on the ground and in practical terms. This is because judicial independence is not meant to benefit the judges, but rather the citizens. Because it asserts the rights of litigants, it entails responsibilities for the judges.

Litigants are legitimately entitled to expect a judge to prosecute independently and impartially, and to base his or her judgment on nothing but the law and his or her conscience and convictions.

This is an obligation for the judge. He or she must show integrity and impartiality and steer away from any influence or temptation which may expose him or her to disciplinary measures or criminal proceedings.

Enhancing confidence in the judiciary as the bedrock of the rule of law and the main driver of development is another challenge that needs to be tackled. This can be achieved by improving the performance of the legal system in order to enable it to accompany the profound economic and social changes taking place in society.

To achieve this objective, we need, among other things, to facilitate access to justice through an overhaul of legislation in order to keep pace with modern times and bring domestic legislation in line with international instruments, particularly those relating to human rights. Just as important is the need to make sure that cases are prosecuted within reasonable time frames, to provide the judicial security needed for an improved business environment and to promote investment and development. It is also essential to ensure the effectiveness and transparency of judicial administration through the use of information technology and to institutionalize alternative means for resolving disputes.

To develop criminal justice, we need to look into ways and means to



strike as sound a balance as possible between the obligation to safeguard rights and freedoms and the need to preserve the values and pillars of society and to shield it against anything that may threaten it. This is particularly true in today's world, which is characterized by growing perils, complex relations and the ever-expanding use of digital communications. The latter implies threats as well as potential misuses that are particularly complex and that need to be tackled in an efficient, professional manner.

Enhancing the performance of the legal system remains a key concern, given the expectations of individuals and societies alike. This goal cannot be achieved without improving judicial administration to support the work of judges. Experience shows that the digitization of the legal system can play an important role in this regard.

The achievement of objectives at all of the above levels hinges on enhancing the qualifications of the men and women working in the judiciary. It also requires that we ensure capacity building within legal bodies and foster integrity across the judiciary. Any endeavor to promote integrity should be supported through, for example, the promotion of international cooperation as an instrument that can help improve legal systems and encourage the exchange of experiences and know-how as well as the identification of best practices in the field.

Your Excellencies,

Distinguished members of the Judiciary,

Ladies and Gentlemen,

I am sure the issues relating to the theme of your conference will be discussed extensively. Participants will thus have the opportunity to



make fruitful comparisons, particularly as they share not just a deep concern about the challenges legal systems are faced with, but also a strong desire to forge innovative solutions by drawing on their vast experience and achievements. They will thus enrich the debate, while bearing in mind the particularities of their respective societies.

I hope your debates will lead you to make creative, relevant proposals and practical recommendations. You would thus have turned your conference into a sustainable platform for the fruitful exchange of experiences in order to contribute to the development and overhaul of legal systems.

May Almighty God grant you every success.”

MAP 02 April 2018

