



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

27 June 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the fourth periodic report of Mauritius, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 62nd session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/MUS/CO/4, para. 43) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 24 (a), (b), (d) and (e), 30 and 32.

On behalf of the Committee, allow me to express appreciation for your letter of 6 December 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/ MUS/CO/4/Add.1) and to make the following comments:

Inadmissibility of statements made as a result of torture (para. 24 (a), (b), (d) and (e))

The Committee notes with appreciation the information provided by the State party regarding the installation of a fully-operational close-circuit television and audio recording system in all police stations and at the Central Criminal Investigation Department. It also notes that the State party is considering the Committee's recommendation encouraging it to build on the jurisprudence arising from the judgement handed down by the Supreme Court in the case of *Rudolph Jean Jacques v the State* so that an appellate court would at all times be in a position to review the admissibility of evidence allegedly obtained through torture. The Committee regrets, however, the lack of information on the concrete measures taken in this regard and on decisions taken by the State party's courts to dismiss confessions obtained under torture or other ill-treatment as evidence, and the fact that there was no information provided on whether any officials have been prosecuted and punished for extracting such

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confessions. Lastly, the Committee recalls its recommendation that the State party redouble its efforts to improve methods of investigation that rely on scientifically-based evidence, including by developing training programmes for police officers on non-coercive interrogation techniques (1/B2).

Conditions of detention (para. 30)

The Committee takes note of the information provided by the State party on the measures taken to reduce overcrowding and improve material conditions in detention centres, and especially the establishment of a committee mandated to monitor improvements in this area. In this connection, the Committee encourages the State party to make public the report of the Subcommittee on Prevention of Torture regarding its visit to the country in 2007 (2/B2).

Complaint mechanisms (para. 32)

The Committee appreciated receiving the information submitted regarding the responsibilities of the newly established Independent Police Complaints Commission (IPCC). However, it notes with concern that according to its founding act the IPCC shall consist of only three members, including its chairperson, who are appointed by the President and act on the advice of the Prime Minister (see sections 3(3) and (5)(a) of the Independent Police Complaints Commission Act, No. 14 of 2016). Furthermore, it is not clear whether the IPCC has the power to refer cases of torture or other ill-treatment for prosecution (2/B2).

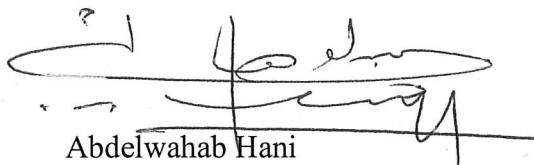
Implementation plans (para. 43)

While taking note of the additional information provided by the State party on the passing of the Judicial and Legal Provisions Act in 2018 in implementation of the recommendation in paragraph 28 of the concluding observations, the Committee regrets that the State party has not provided any further information about its plans to implement, within the reporting period, the other remaining recommendations (C).

The Government of Mauritius is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fourth periodic report of Mauritius.

The Committee looks forward to a continued constructive dialogue with the authorities of Mauritius on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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Committee against Torture