

THE INDEPENDENT POLICE COMPLAINTS COMMISSION ACT 2016

Act No. 14 of 2016

Proclaimed by [Proclamation No. 13 of 2018] with effect from 9 April 2018

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Assent

BIBI AMEENAH FIRDAUS GURIB-FAKIM

22 July 2016

President of the Republic

ARRANGEMENT OF SECTIONS

Section

PART I – PRELIMINARY

1. Short title
2. Interpretation

PART II – INDEPENDENT POLICE COMPLAINTS COMMISSION

3. The Commission
4. Functions of Commission

(a) means an officer of the Commission; and

(b) includes the Secretary;

“police officer”–

(a) has the same meaning as in the Police Act; but

(b) does not include the Commissioner of Police;

“public body” has the same meaning as in the Protection of Human Rights Act;

“Secretary” means the Secretary to the Commission.

PART II – INDEPENDENT POLICE COMPLAINTS COMMISSION

3. The Commission

(1) (a) There is established for the purposes of this Act a Commission to be known as the Independent Police Complaints Commission.

(b) The Commission shall be a body corporate.

(2) The Commission shall not, in the discharge of its function and exercise of its powers, be subject to the direction or control of any person or authority.

(3) The Commission shall consist of –

(a) a Chairperson; and

(b) 2 members.

(4) (a) The Chairperson shall be a person who has –

(i) served as a Judge of the Supreme Court;

(ii) served as a Magistrate for not less than 10 years;

(iii) been a law practitioner for not less than 10 years; or

(iv) served as a Magistrate and has been a law practitioner for an aggregate period of not less than 10 years.

(b) The members, other than the Chairperson, shall be persons having knowledge and experience in the field of human rights, law, employment, industrial relations, business administration, education, sociology, policing, social work, psychology, psychiatry, medicine or prison management.

(5) (a) The Chairperson and the members shall be appointed by the President, acting on the advice of the Prime Minister, on such terms and conditions as the President may determine.

(b) The Prime Minister shall, before tendering advice to the President under paragraph (a), consult the Leader of the Opposition.

(6) Subject to subsection (7), the Chairperson and the members shall hold office for a period of 4 years and shall be eligible for reappointment.

(7) The President may, on the advice of the Prime Minister, remove the Chairperson or any member from office for inability to perform the functions of his office, whether arising from infirmity of body or mind, or for misbehaviour.

(8) (a) Where any vacancy occurs in the office of the Chairperson by reason of death, resignation or any other cause, the President may authorise another member to act as Chairperson until the vacancy is filled.

(b) Where the Chairperson is absent or on leave, the Chairperson may authorise another member to act as Chairperson until the date on which the Chairperson resumes his office.

(9) The Chairperson or any member shall not take office unless he has taken the oath specified in the Schedule before the President.

4. Functions of Commission

Without prejudice to the jurisdiction of the Courts or the powers conferred on the Director of Public Prosecutions, the Ombudsman or the Disciplined Forces Service Commission, the Commission shall –

- (a) investigate into any complaint made by any person or on his behalf against any act, conduct or omission of a police officer in the discharge of his functions, other than a complaint of an act of corruption or a money laundering offence;

- (b) investigate into the cause of death of a person who died whilst the person was in police custody or as a result of police action;
- (c) advise on ways in which any police misconduct may be addressed and eliminated;
- (d) promote better relations between the public and the Police; and
- (e) perform such other functions as may be conferred to it by any other enactment.

5. Powers of Commission

(1) Subject to subsection (2), the Commission may, in the discharge of its functions under this Act –

- (a) summon any person to appear before it on such date and at such time as may be specified in the summons, or require any person in writing –
 - (i) to answer any question or provide any information which the Commission considers necessary in connection with any investigation;
 - (ii) to produce any article, or any book, record, accounts, report, data, stored electronically or otherwise, or any other document;
 - (iii) to verify, or otherwise ascertain by oral examination of the person making the complaint, any fact, matter or document relating to a complaint;
- (b) visit any police station, prison or other place of detention for the purpose of an investigation under this Act;
- (c) where it considers appropriate, work in cooperation or consultation with any person or body, whether public or private.

(2) A person may refuse to answer any question, to provide any information, or to produce any article or document, which would incriminate him.

6. Meetings of Commission