Speech of Hon. Attorney General at the Opening Ceremony of the Regional
African-Indian Ocean International Association of Prosecutors (IAP) Conference
on Monday 27 August 2012 at Sofitel Imperial Hotel, Flic en Flac

The Hon. Chief Justice, the Senior Puisne Judge
Mr Satyajit Boolell, Director of Public Prosecutions
Mr Dhiren Dabee, Solicitor General
Learned Magistrates, members of the diplomatic corps
Mr James Hamilton, President of the International Association of Prosecutors
Mr Basile Elombat, Vice-President of the Association
Mr Rishi Pursem, Chairman of the Bar Council
Attorneys General, Directors of Public Prosecutions
Distinguished guests

It gives me great pleasure to address you today at this Regional Africa-Indian Ocean
IAP Conference. I would wish, at the very outset, to congratulate the Office of the
Director of Public Prosecutions and the International Association of Prosecutors for this
laudable initiative which illustrates the importance of legal professionals getting together
and discussing issues relating to the upholding of the rule of law.

On behalf of the Government of the Republic of Mauritius, delegates are welcome to our
beautiful island which has a vibrant economy, is politically stable, with a long tradition of
democracy, good governance, an independent judiciary and a profound respect for the
Rule of Law.

The International Association of Prosecutors has since its creation demonstrated an
unwavering commitment for raising the standards of professional conduct and ethics for
prosecutors worldwide; promoting the rule of law, fairness, impartiality and respect for
human rights and improving international co-operation to combat crime.

Ladies and Gentlemen,

The Constitution of Mauritius rests on two fundamental tenets; the Rule of law and the
doctrine of Separation of Powers.

Dicey emphasized three aspects of the rule of law:
1. No one can be punished or made to suffer except for a distinct breach of law established in an ordinary legal manner before the ordinary courts of the land.

2. No one is above the law and everyone is equal before the law regardless of social, economic, or political status.

3. The rule of law includes the results of judicial decisions determining the rights of private persons.

Ladies and Gentlemen,

Most of the countries in the African region were previously British, French or Portuguese colonies. After independence, they adopted mostly a democratic form of government and had to establish and enforce the rule of law according to their own exigencies.

Over the years, African leaders have deemed it fit to establish regional blocks like the African Union and the Southern African Development Community. These help to ensure that the rule of law is maintained and enforced in African countries.

With the massive investment in the African continent, the impact on the rule of law is obvious.

Law is important to the market economy because it is the common basis on which parties can make agreements; it provides parties with confidence that disputes can be resolved efficiently and fairly.

For this reason, the predictability and order that the rule of law promotes in substantive laws is viewed as the stabilizing force behind much economic development. In his book, The Rule of Law, Tom Bingham mentions that when Alan Greenspan, the former chairman of the Federal Reserve Bank of the United States, was asked what he considered the single most important contributor to economic growth, he gave as his considered answer: ‘The rule of law’. 
Ladies and Gentlemen,

The rule of law also serves as an important assurance of social rights and government accountability.

Mauritius has shown its firm commitment to uphold primacy of democracy and good governance.

This reminds me of Tony Blair who said; I quote

‘The surest way to stability is through the values of freedom, democracy and justice. Where these are strong, the people push for moderation and order. Where they are absent, regimes act unchecked by popular accountability and pose a threat; and the threat spreads. So the promotion of these values becomes not just right in itself but part of our long term security and prosperity’

Unquote

Ladies and Gentlemen,

The Mauritian Government has shown a very strong commitment to reforms in the legal and judicial fields. Recently a number of laws have been enacted.

- The Law Practitioners Act has been amended to, inter alia

  i. make judicial training compulsory for anyone who wishes to be appointed to judicial office

  ii. render Continuing Professional Development compulsory for all practitioners

  iii. reform the courses being run in Mauritius to qualify as a law practitioner by making them more practice based and by providing adequate facilities

  iv. the method of pupillage has also been reviewed to enable prospective barristers to be better equipped when they call to the Bar.
• An institute has been set by virtue of The Institute for Judicial and Legal Studies Act to dispense judicial training, organise continuing development programmes for law practitioners and courses for persons who have been qualified as barristers outside Mauritius.

• The profession of usher has been liberalised.

• The Criminal Code has been amended to allow for termination of pregnancy in specific cases.

• The Legal Aid and Legal Assistance Act has been reviewed to broaden the scope for legal aid and making legal assistance available at police enquiry stage.

• The Police Complaints Act has been passed by the National Assembly to set up an independent body to investigate into complaints against the police.

• The International Criminal Court Act was also passed to give effect to the Rome Statute.

• Government also introduced the Bail (Amendment) Act which has revamped our law relating to bail by providing a better framework for the administration of the statutory provisions so pertaining and providing for the electronic monitoring of defendants. Also the Bail and Remand Court is now open during weekends and public holidays.

• The Asset Recovery Act, a ground breaking legislation, having as main objective to enable the State to recover assets which are proceeds or instrumentalities of crime or terrorist property, came into operation on 01st February 2012.

Ladies and Gentlemen,

• Government is now proposing to shortly introduce the Police and Criminal Evidence Bill in the National Assembly so as to better guarantee the citizen’s constitutional rights and protection of the law whilst ensuring victims’ rights.

• Furthermore the Constitution (Amendment) Bill is being finalized to amend the Constitution, in accordance with recommendations of the Presidential Commission chaired by Lord Mackay of Clashfern, so as to provide for the Supreme Court be divided into the Court of Appeal and High Court sections. The
composition of the Judicial and Legal Service Commission will also be alongside reviewed.

Ladies and Gentlemen,

The Government of Mauritius, in its commitment to fight against transnational crimes, enacted the Piracy and Maritime Violence Act 2011 which came into force on 1st June. This Act brings under one umbrella the offences of piracy and maritime violence, and also provides a comprehensive framework for their prosecution.

Ladies and Gentlemen,

I hope that by organising this Conference, participants will enhance their knowledge on various issues to be addressed.

I also wish you plenty of success in your discussions and deliberations in the coming days.

I will conclude with a quotation from Pope John Paul II.

“When freedom does not have a purpose, when it does not wish to know anything about the rule of law engraved in the hearts of men and women, when it does not listen to the voice of conscience, it turns against humanity and society” Unquote.

With these words Ladies and Gentlemen, I thank you for your kind attention and have the pleasure to declare the conference open.