

**Ministry of Foreign Affairs, Regional Integration and International Trade
(Human Rights Division)**

Special Rapporteur on extrajudicial, summary or arbitrary executions

Awareness

1. What is the level of awareness of the *Minnesota Protocol* in your country, particularly within the professional communities concerned with its use (i.e. legislators, judges, prosecutors, lawyers, forensic doctors and other specialists, law enforcement officials and others)?

There is a low level of awareness of the Minnesota Protocol among legal professionals not dealing with the investigative process and prosecution in connection with allegations of extrajudicial, summary or arbitrary executions.

Whilst the Minnesota Protocol itself is not widely used at the Office of the Director of Public Prosecutions, the essence of the Protocol is embedded in the Constitution of the Republic of Mauritius which is the supreme law of the country.

The Minnesota Protocol aims to protect the right to life and advance justice, accountability and the right to a remedy, by promoting the effective investigation of potentially unlawful death or suspected enforced disappearance. The Protocol sets a common standard of performance in investigating potentially unlawful death or suspected enforced disappearance and a shared set of principles and guidelines for States, as well as for institutions and individuals who play a role in the investigation.

The right to life and the duty of the police to ensure a fair enquiry are all fundamental concepts which the Office of the Director of Public Prosecutions abides to. The Director of Public Prosecutions, by virtue of Section 72 of the Constitution, is independent and not subject to the control of any other person in deciding whether or not to prosecute a person. The provisions of Section 72 can be accessed on the following link:

<https://mauritiusassembly.govmu.org/Documents/Legislations/constitution.pdf>

Furthermore, the pillar of the Constitution is the doctrine of separation of powers which keeps the three branches of the government separate and independent. This ensures that the police remain fair and independent in enquiring cases.

These are just a few examples which show that the aims and scope of the Minnesota Protocol are used in Mauritius.

The level of awareness of the Minnesota Protocol is very low among Forensic Officers in Mauritius. The Forensic Science Laboratory has its own crime scene examination guideline, which when compared to the Minnesota Protocol was found to contain similar information and instruction on how to manage and examine crime scenes.

2. Is any teaching of the *Minnesota Protocol* provided for in the education curricula, including at the undergraduate level, and training of the abovementioned professionals? Please describe the extent to which this occurs.

Forensic Officers have not been trained on the Minnesota Protocol. The national Forensic Science Laboratory's guidelines are followed for crime scene examination.

Moreover, the Minnesota Protocol has not yet been developed as a module in the Training of Prison Officials.

3. What are the main challenges in your country to a better awareness of the *Minnesota Protocol* (not available in national/local languages; lack of promotion; not considered relevant, etc.) and what is currently being or could be done in future to overcome them.

For a better awareness of the Protocol, firstly the promotion of the Protocol will help. The more so, the principles therein are already part of the Mauritian legal system but the detailed approach of the Minnesota Protocol will definitely be of great assistance to all.

Moreover, as stated earlier, Forensic Officers are unaware of the Minnesota Protocol. To ensure that they are completely versed with the Minnesota Protocol, it is proposed that:

- i) the relevant organization undertakes dissemination of the Minnesota Protocol to Forensic Officers;
- ii) online and face-to-face training about the Minnesota Protocol are held for Forensic Officers; and
- iii) the Forensic Science Laboratory be included in future working session/meetings/online sessions/training on the Minnesota Protocol.

4. The *Minnesota Protocol* is officially available in English French, Spanish, Russian, Arabic and Chinese. Is the Protocol available in any other language(s) used in your country? If yes, and if available online, please share a link.

The officers of the Forensic Science Laboratory are unaware whether the Minnesota Protocol is available in any other language in Mauritius whereas the Prison Officers can access the Minnesota Protocol online via Google or the UN Portal.

Implementation and Impact

5. Could you please provide practical example(s) of successful implementation of the *Minnesota Protocol* in your country?

There has been no implementation of the Minnesota Protocol per se. However, the 1999 Mauritian riots might be an example of the principles mentioned in the Protocol. The 1999 riots resulted from the death of one singer XXXXXXXX in police custody which led to ethnic riots. Four civilians and one police officer died.

Moreover, criminal cases have been resolved with the implementation of local guidelines and protocols which are similar to the Minnesota Protocols.

The Minnesota Protocol has not been yet developed as a working tool for Prison Staff.

6. In your view, has the use of the *Minnesota Protocol* impacted in any way the quality of death investigations in your country? If so, please briefly explain. Please share specific experiences, best practices and/or barriers to the identification/implementation of those practices, particularly with regard to the prevention of, and accountability for, unlawful deaths and to the provision of reparations for victims.

More awareness has to be generated about the Protocol.

Forensic officers examine homicide crime scene cases only. Other human death cases are examined by police.

Investigations on deaths which have occurred in the Prison Department are also carried out by the Police Department.

7. Is there any other information that you would like to share which would be relevant to the present call for input?

The Minnesota Protocol can be of assistance to enhance the current Forensic Science Laboratory's protocol. However, appropriate training on the Minnesota Protocol needs to be dispensed so that the Forensic Science Laboratory can proceed with aligning its own protocol with the Minnesota protocol.

Since the Minnesota Protocol is in the same line with Mandela Rules (Rule 71 on investigations) and other Human Rights Instruments, it can be considered for inclusion in the training curriculum of Prison Officials.

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