**GOVERNMENT OF THE REPUBLIC OF MAURITIUS**

**Submission of inputs for the report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment**

1. **Introduction**

Mauritius ratified the Convention Against Torture and Other Cruel Inhuman Degrading Treatment or Punishment on 9 December 1992. The Constitution of the Republic of Mauritius guarantees the fundamental rights and freedom of individuals. It further provides for protection from inhuman treatment. Section 7(1) of the Constitution stipulates that no person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.

The Government of Mauritius enacted the Criminal Code (Amendment) Act 2003 to criminalise acts of torture by public officials. Mauritius does not manufacture or export any enforcement weapons whether for civilian or military use.

 **1.1. Domestic legal framework on international standards**

The Republic of Mauritius is a member of African Union and United Nations Small Arms Programme of Action (UNPoA). It is also signatory to international conventions such as Arms Trade Treaty, Geneva Declaration on Armed Violence and Development, United Nations Firearms Protocol and Southern African Development Community.

1. **Legal framework**
2. **Trade**

The acquisition, possession and use of firearms in Mauritius are governed by the Firearms Act 2006.

The Firearms Act 2006: -

1. implements the different procedures in the Arms Trade Treaty as firearms are concerned;
2. exercises a more strict control on the movements of firearms in the country;
3. enhances the national control system on the exports, imports and transit activities related to conventional arms and strengthen the country’s legal framework to combat terrorism and piracy; and

The Act has an international dimension as it contains provisions for import and exports of any type of firearms. Through the Act, the police has a more responsive legal framework to monitor the importation, exportation of firearms as well as the safe keeping of arms and ammunitions by licensees.

1. **Production**

Under section 24 of the Firearms Act 2006 (weapons which discharge noxious materials), no person shall, without the authority of the Commissioner manufacture, sell, transfer, purchase, acquire or have in his possession any weapon, designed or adapted for the discharge of any noxious liquid, gas, or other thing, or any ammunition containing, or designed or adapted to contain, any such noxious thing. The term “other thing” includes injurious pulses such as electric ones. The Firearms Act 2006 can be accessed on:[https://attorneygeneral.govmu.org/Documents/Laws%20of%20Mauritius/A-Z%20Acts/F/Fi/FIREARMS%20ACT,%20No%202%20of%202006.pdf](https://attorneygeneral.govmu.org/Documents/Laws%20of%20Mauritius/A-Z%20Acts/F/Fi/FIREARMS%20ACT%2C%20No%202%20of%202006.pdf)

1. **Brokering**

The Firearms Act 2006 regulates the brokering activities in firearms. Under section 32 of the Act (prohibition of brokering activities), notwithstanding the Brokers Act 1945, no person shall act on behalf of another, whether in return for a fee, commission or other consideration, or not, to negotiate any contract or other arrangement in connection with any activities.

The activities include manufacturing, exporting, importing, financing, mediating, purchasing, selling, transferring, transporting, freight-forwarding, supplying and delivering firearms, their parts or components or ammunition or any other act performed by a person, that lies outside the scope of his regular business activities and that directly facilitates the brokering activities.

1. **Prohibited firearms**

Under section 3 of the First Schedule of the Firearms Act 2006 ,prohibited firearms include anti-personnel and anti-tanks systems, any firearm equipped with a silencer device, assault rifles,hand-held, under-barrel and mounted grenade launchers, heavy machine guns ,landmines, light machine guns, mobile containers with missiles or shells for single action anti-aircraft and antitanks systems ,mortars with a calibre of less than 100 mm ,portable anti-craft guns portable anti-tank guns and recoilless rifles ,portable launchers of anti-aircraft missile systems, portable launchers of anti-tank missile and rocket systems ,shells and missiles for light weapons, sub-machine guns.

1. **Imports**

The State of Mauritius imports protective equipments such as Tonfa/Expandable batons, handcuffs/foot cuffs and federal streamers, among others, which are issued to police officers for the performance of their duties. The monitoring of imports and exports of these weapons is carried out by officers of Customs, falling under the purview of Mauritius Revenue Authority, together with members of the Police.The Customs Act 1988 regulates the importation of Prohibited Goods. The importation of such equipment is subjected to strict control by the Aviation Security Directive made under the Civil Aviation (Security) Regulations 2008 and regulated by Merchant Shipping Act 2007.

These weapons are used to protect or defend police officers in the exercise of their duties or other persons when they are being violently attacked. However, these weapons can be easily misused and be used to torture people, ill-treat or punish them.

1. **Transportation**
2. **Airports of Mauritius Co Ltd (AML)**

An approved set of procedures for authorized carriage of weapons or firearms on board commercial flights is in force and known as Handling Authorized Carriage of Firearms and Ammunitions Airports of Mauritius Co. Ltd. The AML notifies that the carriage or possession of firearms, explosive or flammable materials and substances within the Security Restricted Area (SRA) of the SSR International Airport is prohibited and therefore strictly under control as per the Civil Aviation (Regulations) (CASR) 2019.

AML, as the aerodrome operator is engaged and coordinates with other organisations concerned in arms trade/transactions/movement. Moreover, an approved set of procedures for authorized carriage of weapons or firearms on board commercial flights is well established and commonly known as Handling Authorized carriage of Firearms and Ammunitions. The set of procedures includes inter alia:

1. Carriage of Arms and Ammunitions on departures;
2. Detection of Arms and Ammunitions during screening process on departing passengers;
3. Carriage of Arms and Ammunitions on an arriving flight;
4. Processing of Arms and Ammunitions for transfer flight;
5. Carriage of Arms and Ammunitions by law enforcement officers
6. **Handing of arms and ammunitions in transit**

The handling of weapons on board vessels in transit is done under strict control by the enforcing authorities (Customs and Police). Depending on the request from the Master/Shipping Agent, the arms and ammunitions may be placed under Customs Seal on board the ship (with Police Sentry on board during the whole stay) or may be landed for safekeeping at the Police Armoury. Arms/Ammunitions may also arrive by air for shipment on board a vessel at the Port.

1. **National control for systems for arms trade**

**Central Firearms Index (CFI)**

The Central Firearms Index (CFI) is responsible for the control of firearms and ammunition. The office has a database of all firearms and ammunition. It works jointly with the National Central Bureau (Interpol) to verify information and conduct due diligence exercise on foreign agencies. The National list of firearms as required under the ATT is kept at the CFI. The list is updated in a timely manner as and when new firearm/ammunition/import/export permits are issued.

Under section 23 of the Firearms Act 2006,

(1) The Commissioner shall set up and maintain a Central Firearms Index.

(2) The CFI shall be based at Police Headquarters.

(3) The Commissioner shall designate a Police Officer to be the CFI Officer.

(4) The CFI Officer shall maintain a register which shall be called the Central Firearm Register.

(5) The Central Firearm Register shall consist of: (a) the Central Firearm Database; (b) the Central Dealers Database; (c) the Central Game Database; (d) the Central Gunsmiths Database; (e) the Central Importers/Exporters Database; (f) the Government Departments Database; and (g) the Hunting and Gameshooting Database.

(6) Every database specified in subsection (5) shall contain in respect of each category of persons a record of— (a) every firearm and ammunition in the firearm licensee’s possession; (b) any Competency Certificate, licence, renewal of licence issued or the cancellation of any certificate or licence; (c) any application for a Competency Certificate, licence, or renewal which has been refused; (d) every transfer of a firearm or ammunition; (e) any import or export of a firearm or ammunition; and (f) any loss, recovery, theft or destruction of any firearm or ammunition.

The period of firearms safekeeping at the Police Central Armoury, as regards arms in transit, is currently up to 2 years. A Central Firearms Register is kept at the Central Firearms Index Office at Police Headquarters, Line Barracks, Port Louis. The Register keeps records of the following:

1. A data base of all firearms;
2. A data base of all Dealers in firearms
3. A data base of all game license issued for Gaming/Hunting;
4. A data base for Gunsmiths;
5. A data base of Importers/Exporters of firearms;
6. A data base of all firearms issued to Government Departments;
7. A data base of hunting and game shooting associations for purpose of gaming; and
8. A data base of vessels transporting firearms and ammunition in transit to Mauritius.
9. **Police forces**

Section 7 (b) of the Police Act 1974 provides that every police officer shall be provided with the staves, arms, ammunition and other equipment necessary for the effective discharge of his duties. Police Officers are issued with Tonfa/Expandable batons, handcuffs/foot cuffs and federal streamers, among others in the performance of their duties. The use of weapons is used to protect or defend themselves in the exercise of their duties or other persons

Police Officers are weapon bearers and are provided with continuous training on safe handling of weapons. The training programs are consistent with international humanitarian laws and there are guidelines and procedures under the Police Standing Orders and Police Instructions Manual on the use of firearms and ammunition during police operations and other missions. The guidelines are also in line with international norms.

1. **Trainings**

Police Officers are given training courses on the fundamental human rights principles and obligations under the humanitarian law and are also lectured on the international norms for the protection of the vulnerable groups including persons with disabilities.

The training courses cover the following international humanitarian laws topics:

1. Universal Declaration of Human Rights;
2. Relevant sections of the Mauritian Constitution;
3. The Protection of Human Rights Act;
4. Fundamental Human Rights Principles governing the Use of Force &Firearms;
5. Safe handling of weapons;
6. Principles of minimum Force;
7. Marksmanship Principles;
8. Amount of Force to be used (Continuum of force);
9. Rules to be observed by Police when compelled to use Rifles;
10. Golden rules of Pistols/Revolvers;
11. First Aid;
12. Self defence; and
13. Torture.

Moreover, Police Officers and Prison Officers have a module on Human Rights in their Training Course. The National Human Rights Commission delivers refresher talks to them on Human Rights, including the rights of suspects and victims, the primary duty of being of service to the public and the need to respect our human rights obligations under different international human rights treaties.

Furthermore, relevant training courses are provided to Police Officers on domestic legal provisions and Conventions which offer a range of generalized protection of rights and freedoms against discrimination on such grounds as race, colour, descent, ethnic origin, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The Police Training School has developed targeted training programmes that raise awareness among officers of the various social biases that may affect their conduct. Topics include: (a) Profiling of Suspect/Crime Scene Profiling (b) Interpersonal communication (c) Stereotyping (d) Ethical and Legal Conduct/Code of Conduct for Police Officers (e) Racial Incidents (f) Declaration of rights of vulnerable groups (g) Policing in Democracies (h) Investigation Skills (i) Intercultural Communication.

**Input from Master Questionnaire 2022**

The State of Mauritius does not have an armed force but rather a paramilitary force, known as Special Mobile Force (SMF) which is part of the Mauritius Police Force (MPF). It is responsible for internal security within the country and abides with all laws of Mauritius. It is governed by the Police Standing Orders. The SMF does not follow any military manual except the Police Act 1974, the Standing Order of the Mauritius Police Force and relevant Standing Operating Procedures (SOPs) issued by Special Mobile Force.

The SMF does not have Rules of Engagement (ROEs) but follow the proceeding as laid down in Police Standing Orders 108 & 109 and Police Act 1974. Though the law in Mauritius does not provide for any rule of enjoyment, sufficient time and warning are given before any intervention by the SMF.

 Training is currently imparted annually to SMF personnel as per the Training Directives which are in line with the Mauritius Police Force Annual Policing Plan and the Force Priorities & Objectives. The training directives include both collective and individual training and cater for training of Commanders in-house or abroad. The Training Directives cover issues which are relevant to the demand of the country.

Moreover, all recruits by the Police department including the SMF are empowered and provided with knowledge on human rights and relevant consequences for any breach of those rights. There is no specific training on international humanitarian law (IHL) for military and security forces. However, provisions have been made as follows: -

1. The Standing Orders of the Mauritius Police Force – Use of minimum force under Standing Orders No. 108 and 109;
2. SOPs –
3. Three warnings are given before intervention by security forces which can be adapted to persons with disabilities to disperse or move away; and
4. In case of evacuation during disasters, priorities are given to persons with disabilities and to children.

The SMF personnel conduct Community Disaster Response Programs (CDRP) to the local inhabitants to increase their awareness and resilient as regard emergency situations such as flooding, landslide, tsunami, etc. The SMF also conducts joint simulation exercise involving various stakeholders such as Government and Non-Governmental Organisations together with the local inhabitants including persons with disabilities and older persons.

Article 11 of the Convention on the Rights of Persons with Disabilities relates to taking “all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”

**Breach of national regulation on trade in goods**

There have not been any recent investigations, prosecutions and /or convictions for breaches of national regulations on the trade in goods. The last two cases which deal with convictions for breaches of trade of prohibited goods were the illicit possession of stun guns in 2011 and 2012 and namely, the cases of Police v Tamman (2011 INT 140) and Police v Ridgeway (2012 INT 163).

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