**SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.**

1. **Procedures for the processing of official communications and requests**

***Question:* Please describe the procedures applied by your Government in responding to / following-up on official communications transmitted by the Special Rapporteur, in line with the responsibilities of States outlined in para 2 of Human Rights Council resolution A/HRC/43/L.30 of 31 March 2020, including the initiation of measures of prevention, investigation, prosecution and redress as may be required under applicable international law.**

***Response:***

* **‘Allegation letters’ (AL) and ‘urgent appeals’ (UA) on specific alleged specific acts or risks of torture or ill-treatment:**

Investigation into cases of torture by public officials are carried out by the Police, (Central Criminal Investigation Department) and the Independent Police Complaints Commission (IPCC). In addition, a Magistrate may also be appointed to carry out a Judicial Enquiry.

Depending on the nature of the complaint, a detainee may be referred to a Prison Medical Officer where the detainee is examined to see if he has sustained injury. If after medical examination it is confirmed that the detainee has sustained an internal or external injury, the matter is referred to the Officer in Charge of the institution who, on behalf of Commissioner of Prisons, refers the case to the Police for inquiry.

Moreover, an internal inquiry also may be initiated to situate responsibilities at the departmental level.

The National Preventive Mechanism Division (NPMD) only intervenes when a complaint is made by a detainee. However, the Prisons Department provides all the facilities when an inquiry is conducted by the NPMD.

A detainee can also complain to the Board of Visitors who may in turn refer the case to the NPMD.

It is worth mentioning that since 2018, all Police stations are fitted with CCTV surveillance cameras. The aim is to promote transparency and accountability and prevent malpractices including Police brutality.

It is to be noted that Mauritius has not invited Special Rapporteurs during the past 4 years and has not received any communication on Torture from the Special Rapporteur on Torture.  The only Special Rapporteurs who have visited the National Human Right Commission in the past are the ones on Old Age Persons and Child Pornography.

As the State of Mauritius has acceded to the Optional Protocol to the Convention against Torture (OPCAT), it may receive visits from the Subcommittee on the Prevention of Torture (SPT) in places of detention, but this needs to have prior approval of the Government and also a mutually agreed date between the two parties.

* ‘**Other letters’ (OL) relating to current or envisaged legislation, regulation or policy measures:**

Incoming and outgoing mails of detainees are scrutinized before transmission to the recipients, that is officers can open suspicious mails (for instance mails which may indicate a plan to engage in illegal activities or may conceal prohibited items). Otherwise, the mail is handed over to the detainee. In the case of an outgoing mail, it is sent by post through the normal procedure. However, mails addressed by a detainee to the Office of the Ombudsperson or National Human Rights Commission, are sealed in presence of the detainee prior to being despatched.

* **Country visit requests:**

Such visits require prior approval of the State and dates are mutually agreed. The last country visit took place in 2007 at Phoenix Prison.

1. **Interaction regarding 'Urgent Appeals', 'Allegation Letters' and 'Other Letters'**

***Question*: How does your Government self-evaluate its interactions with the mandate of the Special Rapporteur relating to official communications on specific concerns or allegations regarding torture or ill-treatment during the past four years (1 November 2016 until 31 October 2020)?**

***Response:***

Official communications received are normally sent to the concerned authorities within established procedures and replies are formulated on the basis of submissions received.

The Mauritius Prison Service provides relevant inputs, as and when required, to its parent Ministry with respect to the concerns/apprehensions of the Special Rapporteur. Moreover, same are reported also at the National Mechanism for Reporting and Follow-up meetings.

1. **Interaction regarding Country Visit Requests**

***Question*: How does your Government self-evaluate its interactions with the mandate in response to official requests transmitted by the Special Rapporteur to conduct a country visit during the past four years during the past four years (1 November 2016 until 31 October 2020)?**

***Response:***

Invitations for visits is normally sanctioned at Government level and dates for same should be mutually agreed by both parties. However, as mentioned in Part A, no invitations have been issued to the Special Rapporteur recently. Moreover, no communication on Torture from the Special Rapporteur on Torture have been received. And furthermore, there has not been any request to effect a visit.

In case such requests are received, same would be examined, as per protocols of the State of Mauritius.

1. **State recommendations/ requests**

***Question*: Please describe and explain any measures which should be taken, and by which authority, mechanism or institution, in order for your Government to achieve a “fully cooperative” interaction on official communications and visit requests transmitted by the Special Rapporteur, in line with resolution A/HRC/43/L.30 of 31 March 2020 and applicable norms of international law.**

***Response:***

With a view to achieving a “fully cooperative” interaction on official communications and visit requests transmitted by the Special Rapporteur, all such requests should be addressed to the State of Mauritius, through appropriate channel.

It is proposed to appoint a Liaison Officer who will be responsible to follow up matters on torture by public officials and collate data from different agencies as mentioned in Part A and communicate them to relevant regional and international bodies.

The Mauritius Prison Service cooperates fully with the National Mechanism for Reporting and Follow-up and also implements as far as possible, the recommendations made by the Special Rapporteur. This pertains to prisons both in Mauritius and Rodrigues.

**15 October 2020.**