

Country File
MAURITIUS



Last updated: **December 2008**

Region	Africa
Legal system	Civil Law/Common Law
UNCAT Ratification/ Accession (a)/ Succession (d)	9 December 1992 (a)
Relevant Laws	<ul style="list-style-type: none"> • Constitution of 12 March 1968 • Criminal Code of 29 December 1838 (amended by Bill No. XVI, 2003)
Relevant Articles	<ul style="list-style-type: none"> • Prohibition of Torture: Article 7 of the Constitution • Definition of Torture: Article 78 of the Criminal Code • Penalties: Articles 78 and 259 of the Criminal Code • Others: <ol style="list-style-type: none"> 1. Defences: Article 78 of the Criminal Code 2. Jurisdiction: Article 78 of the Criminal Code 3. Lawful Sanctions: <ul style="list-style-type: none"> - Article 7 of the Constitution - 78 of the Criminal Code
Languages Available	<ul style="list-style-type: none"> • English (official language)
Other Relevant Information	

Relevant Articles – MAURITIUS

ENGLISH

Constitution of 12 March 1968

Article 7 Protection from inhuman treatment

- (1) No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.
- (2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment that was lawful in Mauritius on 11 March 1964.

Criminal Code of 29 December 1838 (amended by Bill No. XVI, 2003)

Article 78 Torture by public official

- (1) Subject to subsection (3), where –
 - (a) any person who is a public official, or is otherwise acting in an official capacity; or
 - (b) any person, at the instigation of, or with the acquiescence of, a public official or a person otherwise acting in an official capacity, intentionally inflicts severe pain or suffering, whether physical or mental, on any other person-
 - (i) to obtain a confession or other information from that other person, or a third person;
 - (ii) to punish that other person for an act which that other person or a third person has committed, or is suspected of having committed;
 - (iii) to intimidate or coerce that other or a third person; or
 - (iv) for any reason based on discrimination of any kind,he shall commit the offence of torture and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 5 years.
- (2) Where the act constituting an offence under subsection (1) has been committed outside Mauritius and -
 - (a) the victim is a citizen of Mauritius;
 - (b) the alleged offender is in Mauritius; or
 - (c) the alleged offender is in Mauritius, and Mauritius does not extradite him,

a Court shall have jurisdiction to try the offence and inflict the penalties specified in subsection (1).

- (3) Subsection (1) shall not apply to any pain or suffering arising only from, or inherent in, or incidental to, a lawful sanction.
- (4) It shall not be a defence for a person charged with an offence under subsection (1) to prove that he acted by order of his superior.

Article 259 Penalty for unlawful arrest in certain cases

In the following cases-

(a) ...

(c) where such individual has been subjected to any corporal torture, the offenders,

shall be punished by penal servitude for a term not exceeding 10 years.