

Respected Lords,
Judicial Committee of the Privy Council.

10th July 2019

Your Honours,

Director of Public Prosecutions (Appellant) v Jugnauth and another (Respondents) (Mauritius)
JCPC 2018/0030

I wish to bring to your attention that many people in Mauritius, including some eminent barristers, are not satisfied, until today, with the judgment in the above case which was decided by the Board last February. People cannot digest that the Medpoint Hospital, initially valued at Rs 75 million, could fetch Rs 144 million, which they consider both a family affair and a drain on public treasury. Had some facts not been taken into consideration by Your Honours?

The gist of this letter is to point out to one particular fact. The posture of the Director-General of the Independent Commission Against Corruption (ICAC), Mr Navin Beekarry, in making an 180^o turn by changing himself from accuser to defender was unprecedented. The more so, as he was appointed to his post by Mr Pravind Jugnauth's father, Sir Anerood Jugnauth (SAJ).

Previously, Mr Beekarry held the position of Director-General of ICAC from 2002 to 2005 when SAJ's political party, Mouvement Socialiste Mauricien (MSM), was in power in alliance with the Mouvement Militant Mauricien of Paul Raymond Bérenger. After that, he took a job at the International Monetary Fund when the rival political party, the Labour Party of Navin Ramgoolam, regained power in 2005. When MSM came back into power via Alliance Lepep in December 2014, Mr Beekarry was brought back to his former position of Director-General of ICAC on 1st July 2016.

In determining the judgment in favour of Pravind Jugnauth, Your Honours have also placed emphasis on, and considered in a favourable light, the new posture of Mr Beekarry. Could it have been possible for the judgment to be reversed on the basis of equity had it been taken into account at the time that Mr Beekarry was a political nominee? See link

(<https://www.lexpress.mu/article/345616/medpoint-lindecente-volte-face-commission-anti-corruption>) attached. Could the written submissions of ICAC have been tainted under these circumstances and had the Appellant's lawyers been given the opportunity to challenge them?

In the light of the above, I trust that Your Honours will respond in the most appropriate manner in this case or in any future case of similar nature.

Yours faithfully,

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cc. Director-General ICAC; Director of Public Prosecutions; Attorney General