

To The Director
Independent Commission Against Corruption
Réduit Triangle, Moka
Mauritius.

July 10, 2023.

Corruption Case Reporting from Rodrigues

Sir,

I refer to the decision of the Executive Council of the Rodrigues Regional Assembly, a Body Corporate whose functions “shall be regarded as done on behalf of the Government of the Republic of Mauritius” (Section 3(2) of the RRA Act 2001) for the allocation of a portion of State land of an extent of 1 344 square metres at Oyster Bay, Rodrigues, on September 9, 2022, to MARJOH Ltd, a company owned by M. Johnson Roussety and his wife, Marianna Meunier, both of Baie du Nord, Rodrigues.

Being given that the one Johnson Roussety is the Chief Commissioner of the Rodrigues Regional Assembly, and as such, the commissioner responsible for the matters of State Land Management in Rodrigues, and that in this case, he has acted as the Chairperson of the Executive Council, it is clear that he has acted in breach of Section 7 of the The Prevention of Corruption Act 2002: “*Public official using his office for gratification*”.

Furthermore, the fact that the other members of the Executive Council, namely: -

- Mr. Audrey Franceau Grandcourt, Deputy Chef commissioner & Ors;
- Mr. Alain Wong So, Commissioner for Tourism & Ors;
- Mr. Joseph Nicolas Volbert, Commissioner of Health & Ors;
- Mr. Varok Ravina, Commissioner of Youth and Sports, Arts and Culture & Ors;
- Mr. Louis-Ange Perrine, Commissioner for Agriculture, Fisheries & Ors;
- Mrs. Marie Christiane Agathe, Commissioner for Women’s Affairs & Ors; and
- Mr. Jean Claude Pierre-Louis, Acting Island Chief Executive, acting in his capacity of secretary to the Executive Council, and whose duties is to “*be responsible for the efficient administration of all the functions of the Executive Council*” (as per Section 66 of RRA Act 2001);

have entered into a conspiracy by approving “in solido” the decision that this portion of State land be allocated to MARJOH Ltd, despite the fact that they knew very well that by a decision taken by Executive Council on April 8, 2019, this portion of land had been reserved for extension works to the Oyster Bay Government School.

By so doing, they have knowingly made use of their office and position for gratification where they have taken a decision (and action) in relation to a matter in which an associate of theirs, has a direct interest. They have, thus, contravened the section 7(2) of the “The Prevention of Corruption Act 2002”, which clearly stipulates that “*For the purposes of subsection (1), a public official shall be presumed, until the*

contrary is proved, to have made use of his office or position for a gratification where he has taken any decision or action in relation to any matter in which he, or a relative or associate of his, has a direct or indirect interest.”

For the Rodrigues Executive Council, either the personal interests of Mr. and Mrs. Roussety seem far more important than those of the hundreds of children – many of whom are living in very needy situations – residing in the catchment area of the Oyster Bay Government Primary School, or they consider themselves as having been elected to serve themselves rather than the people.

To set a clearer picture of the case, I produce hereafter an extract from the Judgement delivered by Hon. K. D. Gunesh-Balaghee on September 9, 2020, in the matter of **MARJOH Ltd v The Rodrigues Regional Assembly and Louis Serge Clair (GCSK) in the presence of Joseph Karl Elysée** (Case Ref: 2020 SCJ 202 - Record No. 8863) before the Supreme Court of Mauritius.

“This is an application for leave to apply for judicial review of the “decision and decision-making process” of the respondents pertaining the application of the applicant for the transfer or issue of a new lease to it of State land of an extent of 1344 square metres situated at Baie aux Huitres in Rodrigues. The respondents are objecting to leave on the ground that the applicant does not have an arguable case while the co-respondent is abiding by the decision of the Court.

Johnson Roussety G.O.S.K. and Mariana Meunier are the two directors of the applicant company and they each hold 50 per cent of its shares. Co-respondent was the holder of a leasehold right on State land of an extent of 1334 square metres at Baie aux Huitres in Rodrigues, over which he had caused a number of commercial/residential buildings to be erected with the knowledge and consent of the respondents (hereinafter referred to as the “Venise land”). The lease agreement entered into in November 1994 and registered and transcribed in March 1995, stipulates that it shall expire on 13 June 2010 and that in case the lessee wishes to have the lease renewed, an application for its renewal should be made at least six months before its expiry.

The case of the applicant, as disclosed from its affidavits, is, in a gist, as follows: The lease was renewed by “tacite reconduction” up to the time of the entering of the present application. By letter dated 17 July 2015, the co-respondent agreed to sell the buildings found on the Venise land to the applicant. On 21 September 2015, the applicant sent a letter to the Departmental Head, Commission for Lands of the Office of respondent No. 2 seeking the transfer/issue of a new lease of the Venise land in the applicant’s name. Since no reply was received, a reminder was sent to respondent No. 1 on 18 March 2016. In a letter dated 29 March 2016, respondent No. 1 replied that the application for lease had been sent to the Cadastral Office. There was an exchange of correspondence between the applicant and officers handling the application whereby a number of documents were sought from, and submitted by the applicant concerning its application, the final one being a letter dated 1 October 2018, written by Johnson Roussety G.O.S.K. to the Principal Surveyor of the Cadastral Office while submitting the last documents sought from

the applicant. On 21 January 2019, Johnson Roussety G.O.S.K. wrote to respondent No. 2 drawing his attention to the fact that his approval had been sought regarding the lease of the Venise land since more than 3 years and urging that the matter be finalised within the following 45 days. He also requested that his letter be replied to. As no reply was forthcoming, the applicant sought the intervention of the Ombudsman. It is the Ombudsman who finally wrote to the applicant on 12 June 2019 informing it that he had been apprised by the Acting Departmental Head of the Chief Commissioner's Office that, on 8 April 2019, the Executive Council had decided to "approve that land of an extent of 1340 square metres at Baie aux Huitres formerly leased to the Co-respondent be reserved for future development of Oyster Bay Government School."

*At the very outset, we must observe that, as per the motion paper, what the applicant is challenging is the "decision and decision-making process of the **Respondents**, as per the letter dated 12th June 2019 sent by the Ombudsman to the Applicant, **refusing to transfer, renew or issue of a new lease to the applicant, of the State land** of an extent of 1344 square metres situated(sic) at Baie aux Huitres whereon stand the residential/commercial premises belonging to Co-respondent." [emphasis added].*

*It is clear that the letter dated 12 June 2019 from the Ombudsman pertains to a decision of the **Executive Council** "to approve that the Venise land be **reserved for future development of Oyster Bay Government School**" and does not refer to **any decision taken by the respondents to refuse to transfer, renew or issue a new lease to the applicant, of the State land situated at Baie aux Huitres.** [emphasis added]*

We have closely scrutinized the application; it simply does not disclose that there was any decision taken by the respondents not to transfer, renew or issue any lease to the applicant. In fact, no decision regarding the application for transfer, renewal or grant of a lease by the applicant was conveyed to the applicant by the respondents. The applicant is through its application purporting to have a decision which was never taken quashed. In the circumstances, the application is clearly misconceived."

It is therefore clear that M. Johnson Roussety has abused of the powers vested to him as Chief Commissioner, commissioner responsible for the matters of Land Management, and Chairperson of the Executive Council to willingly override a decision of the decision-making body of the Rodrigues Regional Assembly and the Judgement of The Supreme Court of Mauritius to appropriate the plot of land at Oyster Bay with the complicity of the other members of the Executive Council.

It would be of utmost importance if an enquiry could be initiated by your Commission into this case so that matters are set right and Justice seen to be done.

Yours very respectfully,
Noël ALLAS