



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

COMMUNIQUE

1. The Office of the Director of Public Prosecutions (ODPP) has taken cognizance of the Parliamentary Question (PQ) bearing reference B/1706 and which read as follows:

B/1706 The Honourable Third Member for Port Louis North and Montagne Longue (Ms Tour) To ask the Honourable Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity – Whether, in regard to access in the restricted area of the port without valid authorization, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof for the period January to May 2021, indicating if so, where matters stand?

2. The ODPP has also duly noted the answer provided by the Hon. Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity. The Hon. Prime Minister made reference to the case against Hon. Eshan Juman and the decision of this Office not to initiate prosecutions. The PQ was answered before the start of the parliamentary debates regarding the Financial Crimes Commission Bill.
3. The ODPP wishes to bring certain clarifications. In May 2022, the Commissioner of Police (CP) referred the casefile to this Office for advice. After having considered all the evidence, the ODPP advised a “No Further Action”.
4. As in all cases, the ODPP decided on the matter upon considering the strength of the evidence and the public interest in prosecuting an accused party.
5. In the present case, the evidence when reviewed as a whole showed, *inter alia*, that Hon. Eshan Juman was actually given access to the ports area by a person in authority. He also reported the matter himself on the very same day at the Port Police Head Quarters.

6. Following this Office's decision not to prosecute, the CP endorsed the said decision because he did not make any representations to the ODPP to reconsider its decision. More importantly, the CP did not challenge the said decision by way of judicial review. The ODPP considers it inappropriate for its decision to be so extensively criticised in Parliament. The criticisms, strong statements and insinuations made yesterday were wholly unjustified. The ODPP cannot take any remedial action against these comments because of parliamentary immunity.
7. It has also been reported in the Press that the Hon. Prime Minister was in physical possession of the police casefile against Hon. Juman. If true, this is a troubling matter. Casefiles pertaining to criminal investigations cannot be disclosed to third parties.
8. The ODPP also took note of the various other comments made in relation to the introduction of the Financial Crimes Commission Bill. The ODPP has already imparted its serious concerns and reservations to the Government in respect of the Bill. At this stage, the ODPP will not make any remarks in order not to interfere with the ongoing democratic debate. The ODPP will consider issuing another communiqué at a more appropriate time (if needs be).
9. Finally, the ODPP renews its commitment to uphold its integrity and independence pursuant to the longstanding constitutional guarantees.

13 December 2023