

Republic of Mauritius

ANNUAL REPORT
OF
THE JUDICIARY
2011

JUDGES OF THE SUPREME COURT

CHIEF JUSTICE

Honourable Yeung Kam John YEUNG SIK YUEN G.O.S.K.

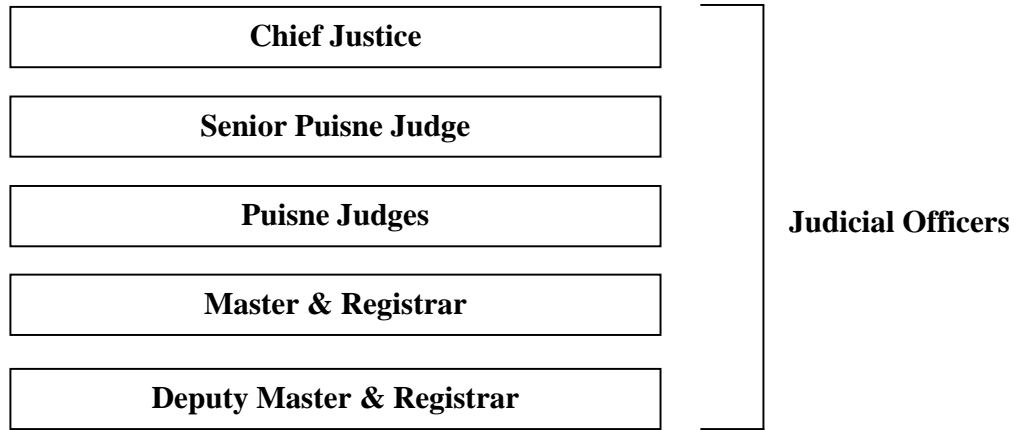
SENIOR PUISNE JUDGE

Honourable Keshoe Parsad MATADEEN

PUISNE JUDGES

1. Honourable Marc France Eddy BALANCY
2. Honourable Paul LAM SHANG LEEN
3. Honourable Premila BALGOBIN (retired w.e.f. 10 April 2012)
4. Honourable Shaheda PEEROO
5. Honourable Ah Foon CHUI YEW CHEONG
6. Honourable Asraf Ally CAUNHYE
7. Honourable Sathyabhooshun Gupt DOMAH
8. Honourable Abdurrafeek HAMUTH
9. Honourable Hima Nalini MATADEEN
10. Honourable Joseph Gérard ANGOH
11. Honourable Bibi Rehana MUNGLY-GULBUL
12. Honourable Abdul Razack HAJEE ABDOULA
13. Honourable Deviyanee BEESOONDOYAL
14. Honourable Shaheed BHAUKAURALLY
15. Honourable Nirmala DEVAT
16. Honourable David CHAN KAN CHEONG
17. Honourable Rita TEELock
18. Honourable Prithviraj FEKNA
19. Honourable J Benjamin G MARIE JOSEPH (w.e.f. 02 May 2012)

The Supreme Court Organisation Chart

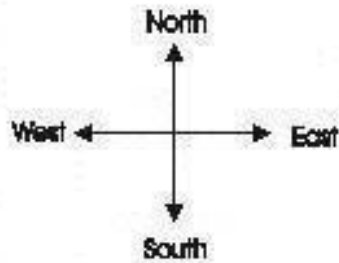
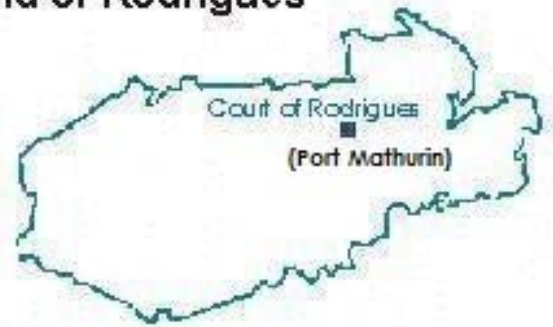


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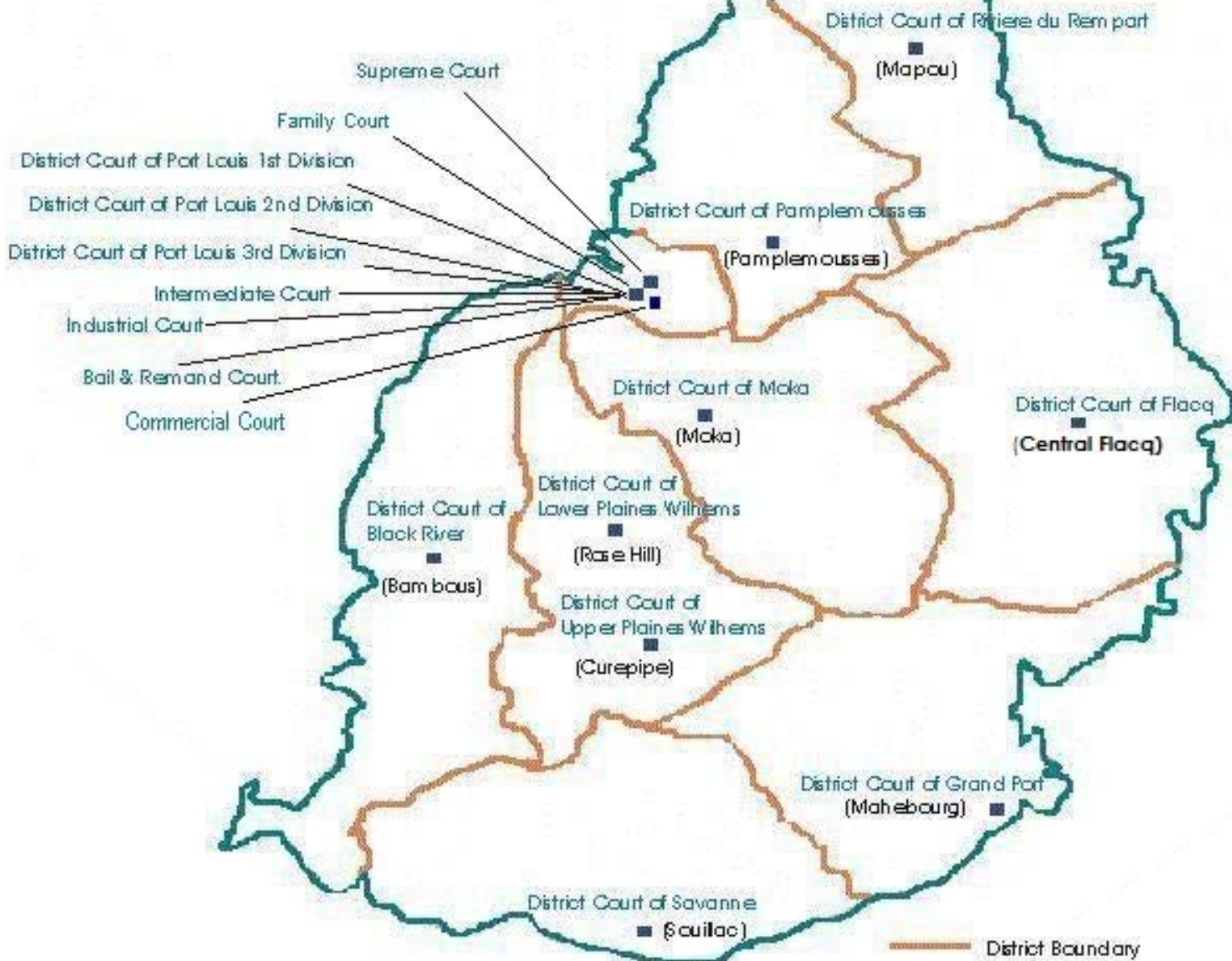
Administrative & Technical Officers	Secretary to the Chief Justice			Chief Registrar			
	Regional Court Administrator	Senior Registrar	Chief Court Officer/Court Manager	Chief Court Officer/Court Manager	Chief Court Officer/Court Manager	Chief Court Officer/Court Manager	Chief Court Officer/Court Manager
	Internal Control Unit	Registry	Registry	Master's Office	Commercial Division	Family Division	Secretary to Judges' Office
	Chief Court Usher	Senior Court Officer	Manager Human Resources	Manager Financial Operations	Senior Systems Analyst	Senior Librarian	Statistician
	Court Ushers' Office	Legal Aid Unit	Personnel Unit	Finance Unit	Information Services Section	Library	Judiciary Statistics Unit

Location of Various Courts

Island of Rodrigues



Island of Mauritius



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1. THE JUDICIARY

1.1 INTRODUCTION

The Judiciary is one of the three pillars of our sovereign democratic State. By virtue of the Constitution, it is vested with the power to administer justice in the Republic of Mauritius. Conformably with the Constitution which provides for the institution of an independent judiciary based on the concept of separation of powers, the Judiciary of Mauritius is independent of the other two organs of the State - the Executive and the Legislature. This status of the Mauritian Judiciary constitutes a vital element for the functioning of our democratic system of government in upholding the rule of law and affording the necessary protection for the safeguard of the fundamental rights of the citizens. The Chief Justice is the head of the Judiciary.

1.2 VISION OF THE JUDICIARY

A Justice System which is a national and regional model of excellence.

1.3 PRIORITY OBJECTIVES AND SERVICES PROVIDED

1.3.1 Aims and priority objectives:

- i. Provide an equal and easy access to a fair, impartial and transparent legal system of justice for the resolution of disputes in an efficient manner in order to preserve the rule of law and to protect the fundamental rights and liberties of the citizen enshrined in and guaranteed by the Constitution, whilst fostering public trust and confidence and commanding domestic and international confidence.
- ii. Provide basic sources of law.
- iii. Reduce delay in the disposal of cases and delivery of judgment.
- iv. Reduce time spent in attending court by court users.

1.3.2 Major services provided:

- i. Resolution of disputes in civil matters, including commercial matters before the Supreme Court by adjudication or before the Mediation Division by mediation.
- ii. Delivery of justice by adjudication in criminal cases before the Supreme Court.
- iii. Delivery of justice by adjudication in civil and criminal cases before subordinate courts.
- iv. Granting of legal aid to qualified litigants.
- v. Enforcement and execution of judicial orders and decisions, including collection of fines.
- vi. Judicial education and training.

1.4 OVERVIEW OF THE JUDICIARY

1.4.1 Achievements

- i. Cases disposed more efficiently and speedily through the creation of dedicated and specialized divisions (e.g. Commercial, Family, Criminal and Mediation).
- ii. Faster disposal and sustained decrease in backlog of cases at the Supreme Court with establishment and operationalization of the Mediation Division.
- iii. Judges and members of the legal profession trained in January 2011 as a precursor to the setting up of the Mediation Division.
- iv. E-judiciary phase I project successfully developed, leading to an electronic case management and filing system of civil and chambers cases before the Supreme Court, including the Commercial Division.
- v. The Divorce and Judicial Separation Act 2011 (Miscellaneous) enacted in May 2011.
- vi. A third batch of fifteen Court Officers completed the Diploma Course in Legal Studies with Court Administration at the University of Mauritius.

1.4.2 Constraints and challenges addressed

- i. The assignment of Judges to specialized divisions within the Supreme Court has impacted negatively on the disposal of appeal cases at the Appellate Jurisdiction of the Supreme Court, resulting in a backlog of cases.
- ii. Lack of adequate infrastructure.
- iii. Non-availability of human resources for design, management, supervision and monitoring of infrastructure projects resulting in delays in their implementations.

1.4.3 Strategic direction for the future

- i. Create a Court of Appeal to hear appeals from every level of courts in Mauritius and a High Court as a court of first instance.
- ii. Run the electronic filing and management system for civil and commercial cases at the Supreme Court, including cases brought before the Judge in Chambers.
- iii. Extend the case filing and management automation of all cases, civil and criminal, to other divisions of the Supreme Court and to the lower jurisdictions of the Judiciary.
- iv. Set up a fast track mechanism for disposal of run-of-the-mill commercial cases within 100 days.
- v. Ensure a greater number of cases to be disposed at the Mediation Division within less time.
- vi. Provide for continuous learning and training for Judicial Officers and members of the legal profession through the Institute of Judicial and Legal Studies.
- vii. Recruitment of Judicial Research Assistants to assist the judges in their research work for judgment writing.

1.5 JUDICIAL SYSTEM

Mauritius has a single-structured judicial system consisting of two parts - the Supreme Court and the subordinate courts. The Supreme Court has various divisions exercising jurisdiction as the Master's Court, the Court of first instance in civil and criminal proceedings, the appellate jurisdiction (to hear and determine civil & criminal appeals from decisions of the subordinate courts), the Court of Civil Appeal and the Court of Criminal Appeal (to hear and determine appeals from decisions of the Supreme Court sitting as Court of first instance in civil and criminal proceedings). The subordinate courts, on the other hand, consist of the Court of Rodrigues, the District Courts, the Intermediate Court and the Industrial Court.

1.6 SUPREME COURT

The Supreme Court is composed of the Chief Justice, the Senior Puisne Judge and eighteen Puisne Judges. It is vested with all the powers and jurisdiction necessary to administer the laws of Mauritius. It is a superior Court of Record and has unlimited jurisdiction to hear and determine any civil and criminal proceedings. It has the same original jurisdiction as the High Court in England and is vested with all the necessary powers and authority to exercise its equitable jurisdiction as a Court of Equity. The Supreme Court also exercises supervisory jurisdiction over the subordinate courts in order to ensure that justice is duly administered by any such court. It has original jurisdiction to determine whether any provision of the Constitution has been contravened, including the power to determine whether any law made by Parliament is void on the ground that it contravenes any section of the Constitution. It is also empowered to secure the enforcement of the protective provisions entrenched in the Constitution.

1.6.1 Civil Jurisdiction of the Supreme Court as Court of first instance

The Supreme Court is the principal Court of original civil jurisdiction to hear and determine:

- i. any civil matter, although it will generally entertain and hear claims where the matter in dispute is of the value which is more than Rs 500,000;
- ii. divorce and matrimonial proceedings;
- iii. petitions for insolvency, and all matters of a commercial nature;
- iv. admiralty matters and
- v. claims for constitutional relief.

Every civil proceeding is heard and disposed by a single Judge, unless otherwise provided for under any written law or as may be decided by the Chief Justice, having regard to the magnitude of the interests at stake or the importance or intricacy of the questions of fact or law involved.

The Supreme Court, in the exercise of its civil jurisdiction, has power and jurisdiction to hear and determine any complaint of a disciplinary nature, brought up by any of the authorities or bodies exercising powers of supervision over the professional conduct of law practitioners or ministerial officers, including land surveyors.

(a) The Family Division of the Supreme Court

The Family Division of the Supreme Court was set up administratively in January 2008. It exercises jurisdiction in any matter under the Divorce and Judicial Separation Act or under any other enactment which relates to alimony, maintenance or the custody or guardianship of minors, other than a matter which is, under an enactment, within the exclusive jurisdiction of a Magistrate. Two Puisne Judges designated by the Chief Justice, preside over that division.

(b) The Commercial Division of the Supreme Court

The Commercial Division of the Supreme Court was set up administratively in 2009. Two Puisne Judges designated by the Chief Justice preside over that division. It entertains, hears and determines matters arising under the Insolvency Act 2009 and the Companies Act, disputes relating to banking, bills of exchange, offshore business, patents, and trademarks or passing off, disputes between traders and related matters and generally anything which is of a commercial nature.

(c) Master's Court

The Master's Court is presided by the Master & Registrar and the Deputy Master & Registrar. It exercises the jurisdiction conferred upon it by the Code Civil Mauricien in relation to the division of immovable property and by the Sale of Immovable Property Act.

1.6.2 The Criminal Division of the Supreme Court

The Supreme Court is the principal Court of original criminal jurisdiction. It has jurisdiction to try any person charged with having committed a crime or a misdemeanor.

Assizes and serious drug cases are heard on every working day at the Criminal Division of the Supreme Court. Criminal trials are either held before a Presiding Judge and a jury consisting of 9 persons who are qualified to serve as jurors or before a Presiding Judge without a jury. Offences laid down under the Criminal Code, falling under the exclusive jurisdiction of the Supreme Court are tried at the Criminal Division before a Presiding Judge and a jury. However, offences specified in the Fifth Schedule to the Criminal Procedure Act are tried before a Presiding Judge without a jury.

In the exercise of its criminal jurisdictions, the Supreme Court is empowered to inflict life imprisonment for certain serious offences.

1.6.3 Appellate jurisdiction of the Supreme Court

The Supreme Court has full power and jurisdiction to hear and determine all appeal cases, whether civil or criminal, made to the court from the decision of:

- i. the Judge in Chambers;
- ii. the Master's Court;
- iii. the Intermediate Court;

- iv. the Industrial Court;
- v. the District Courts and
- vi. a body established under any other enactment.

Appeals to the Supreme Court are heard before at least two judges, except as otherwise provided for in any other enactment.

1.6.4 Court of Civil Appeal

The Court of Civil Appeal is a division of the Supreme Court. It hears and determines all appeals from the decisions of the Supreme Court sitting as the Court of first instance in civil proceedings. It is constituted of two or three Judges as the Chief Justice may decide. Where the Chief Justice is absent or is for any reason unable to sit on the Court of Civil Appeal, the Senior Puisne Judge, presides over the Court of Civil Appeal.

1.6.5 Court of Criminal Appeal

The Court of Criminal Appeal is a division of the Supreme Court. It is constituted of three Judges and has full power to hear and determine all appeals from the decisions of the Supreme Court sitting as the Court of first instance in criminal proceedings. The Chief Justice and, in his absence, the Senior Puisne Judge, presides over the Court of Criminal Appeal.

1.7 THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

The Judicial Committee is the final court of appeal of Mauritius. An appeal shall lie from decisions of the Court of Appeal or of the Supreme Court to the Judicial Committee as of right in the following cases:

- i. final decisions, in any civil or criminal proceedings, on questions as to the interpretation of the Constitution;
- ii. where the matter in dispute on the appeal to the Judicial Committee is of the value of Rs 10,000 or upwards or where the appeal involves, directly or indirectly, a claim to or a question respecting property or a right of the value of Rs 10,000 or upwards;
- iii. final decisions in proceedings under section 17 of the Constitution for the enforcement of protective provisions;
- iv. with leave of the Supreme Court where in the opinion of the Court the question involved in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to the Judicial Committee.

Since the year 2008 the Judicial Committee of the Privy Council periodically holds sittings in Mauritius to hear appeals from decisions of the Supreme Court of Mauritius.

1.8 SUBORDINATE COURTS

1.8.1 Intermediate Court

The Intermediate Court is established under the Courts Act and has civil and criminal jurisdiction in all districts of Mauritius including Rodrigues. It consists of two Presidents, two Vice-Presidents and any such number of Magistrates Intermediate Court established under the Civil Establishment Act.

(a) Civil Jurisdiction of the Intermediate Court

The Intermediate Court has jurisdiction in all civil cases where the claim or matter in dispute, whether in balance of account or otherwise, does not exceed Rs 500,000. The bench of the Intermediate Court is constituted by one or more Magistrates as may be decided by the President.

(b) Criminal Jurisdiction

The Intermediate Court has jurisdiction to hear and determine serious criminal offences provided under specific sections of the Criminal Code and any other offence that can be tried by the Intermediate Court under any other enactment. It has power to inflict penal servitude on convicted offenders for a period not exceeding fifteen years and imprisonment for a period not exceeding ten years. However, for persistent offenders, the Intermediate Court may increase the sentence to twenty years' penal servitude. The Intermediate Court is also empowered to inflict a higher sentence for offences under the Dangerous Drugs Act and the Criminal Code.

1.8.2 Industrial Court

The Industrial Court consists of a President and a Vice-President. Established under the Industrial Court Act, it has exclusive civil and criminal jurisdiction to try any matter arising out of the Employment Rights Act, Boilers Act, Employment and Training Act, Export Processing Zones Act, Passenger Transport Industry (Buses) Retiring Benefits Act, Sugar Industry Retiring Benefits Act, Workmen's Compensation Act and Health & Welfare legislations.

1.8.3 District Courts

There are ten District Courts in the Island of Mauritius and one in Rodrigues. The District Courts have jurisdiction to try and determine both civil and criminal cases as provided for by the law. Each District Court is presided by a Senior District Magistrate and any such number of District Magistrates as may be decided by the Chief Justice.

(a) Civil Jurisdiction of the District Court

The District Court has jurisdiction in all civil cases where the claim or matter in dispute does not exceed Rs 50,000. Conversely, the District Magistrates have exclusive jurisdiction in landlord and tenant disputes, irrespective of the amount of the claim for non-payment of rent.

(b) Jurisdiction under the Domestic Violence Act 1997

By virtue of the Protection from Domestic Violence Act 1997, the District Clerks are entrusted with the duty of receiving and processing applications for a Protection Order from aggrieved spouse victims of domestic violence. The District Magistrates are empowered to hear and determine such cases and to issue Protection Orders when the Court is satisfied that there is a serious risk of harm for the applicants. The District Magistrates are also empowered to receive and determine applications for the issue of Occupation Orders and Tenancy Orders. Such orders confer upon the victim of domestic violence the exclusive right to the use and occupation of the conjugal house.

(c) Small Claims Procedure

The Small Claims Procedure was introduced in 1999 to enable the District Courts to adjudicate on minor claims not exceeding Rs 25,000 in a summary and expeditious manner. Such claims are lodged at the court by the litigants themselves after filling in a prescribed form which is served on the adverse parties. Both parties are convened before the Magistrate in Chambers to resolve the dispute. In the event of no agreement between the parties, the matter is set down for trial. It is to be noted that such cases are disposed by this method of conflict resolution rather than a trial.

(d) Criminal Jurisdiction

The District Court has power and jurisdiction to hear, try and determine criminal cases punishable by a term of imprisonment not exceeding five years and a fine not exceeding Rs 100,000.

(e) Juvenile Court

The District Magistrates exercise jurisdiction as Magistrate of the Juvenile Court. The Juvenile Court tries criminal offences committed by young persons (above 14 and below 17 years of age). The Juvenile Court also deals with children who are beyond parental control and/or who need care and protection.

(f) Bail and Remand Court

The Bail and Remand Court (BRC) established under Part IV of the Bail Act 1999, as subsequently amended by Act No 34 of 2011, has exclusive jurisdiction with regard to remand or release of persons charged with an offence or arrested on reasonable suspicion of having committed an offence, and operates on weekends and public holidays to safeguard the constitutional rights of detainees.

The BRC is presided over by a District Magistrate and operates from the premises of the New Court House, Port Louis.

(g) Court of Rodrigues

In Rodrigues, justice is administered by a full-time Magistrate and a visiting Judge of the Supreme Court.

A Magistrate also visits the other smaller islands, like Agalega which forms part of the Republic of Mauritius.

1.9 THE RULES COMMITTEE

The Rules Committee was set up in August 2001 to advise and make recommendations to the Chief Justice in respect of the rules to be made under section 198 of the Courts Act. The Rules Committee consists of a Judge (Chairperson of the Committee) appointed by the Chief Justice, the Master and Registrar or his representative, a representative of the Bar Council, a representative of the Law Society, a representative of the Attorney-General's Office and two other law practitioners appointed by the Chief Justice.

1.10 REFORM

e-judiciary

The Judiciary has since April 2010, embarked on the development and implementation of an electronic filing of cases and an electronic case management system.

The programme has materialized with the help of Investment Climate Facility for Africa (ICF) which made a grant of 75% of the project costs, the balance being funded by the government.

Mauritius Network Services Ltd., has been contracted to develop and implement the software, with the assistance of its foreign partner, Crimson Logic of Singapore.

Phase I of the project concerns cases lodged before the Supreme Court (Commercial & Civil cases) and before Judge in Chambers.

A successful implementation of phase I will pave the way, during the 2nd phase, for the roll out of the automated system to other divisions of the Supreme Court, and to the lower jurisdictions of the Judiciary.

Phase II will also provide for online filing and management of criminal cases brought before all courts, with links to any electronic system operated by other departments having interaction with the Judiciary.

2. SUPREME COURT

2.1 All cases

The total number of cases lodged (excluding Appellate Jurisdiction cases) at the Supreme Court fell by 1.3%, from 8,878 to 8,763 in 2011 (Table 1.1).

Similarly the total number of cases disposed (excluding Appellate Jurisdiction cases) at the Supreme Court fell by 3.6%.

A physical count of the total number of outstanding cases (excluding Appellate Jurisdiction cases) showed that 8,202 cases were not yet disposed at the end of the year 2011 (Table 1.1).

2.2 Court of Assizes

An increase of 45.4% has been noted in criminal offences convicted at the Court of Assizes. However, imprisonment sentences for intentional homicide cases and for importation of heroin dropped. Some 13 accused were sentenced to imprisonment for importation of gandia in 2011, though there has been no imprisonment for this offence over the previous three years, i.e. 2008 to 2010 (Table 1.3a).

2.3 Appellate Jurisdiction

The Supreme Court received 185 criminal appeals from the Lower Courts in 2011 and 15 cases from the Court of Criminal Appeals. This represents an increase of 12.4% from the 2010 figure.

Civil cases disposed at the Appellate Jurisdiction have been constantly increasing over the last four years. On the other hand, an average of 200 cases is being lodged annually (Table 1.4).

2.4 Family Division

The number of divorce cases lodged at the Supreme Court for the Island of Mauritius has gradually been increasing over the last five years. A rise of 1.2% has been registered from 2010 to 2011 (Table 1.6).

A higher number of divorce petitions are being resisted by the respondents causing a delay to dispose the cases; this explains the fall in the number of divorce pronounced (17.0%) from 2,154 in 2009 to 1,788 in 2011 (Table 1.8).

In 2011: around 59.4 % of the petitioners were females; 63.3 % had only one or no child from the marriage; and 69.3% were married for 14 years or less; 2.5% of the divorce was pronounced on mutual consent from both parties, introduced in May 2011 under the Divorce and Judicial Separation Act 2011 (Miscellaneous) (Tables 1.7 to 1.9).

2.5 Mediation Division

Since January 2011, the Mediation Division of the Supreme Court came into operation and has received some 450 cases. In around 33% of these cases, agreements between parties have been successfully recorded. However, another 33% have been referred back to court (Table 1.10).

Table 1.1 - All cases at the Supreme Court, 2008 - 2011

	Civil cases				Criminal cases				Appellate Jurisdiction								Total cases			
									Civil				Criminal							
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Cases pending at the beginning of the year	11,005	11,660	8,344	8,429	60	36	15	31	506	628	562	544	275	380	459	435	11,846	12,704	9,380	9,439
Cases lodged	6,704	7,164	8,842	8,746	24	25	36	17	291	202	178	198	225	221	178	200	7,244	7,612	9,234	9,161
Cases disposed	5,583	7,705	8,363	8,052	48	24	20	26	169	188	196	201	120	145	202	180	5,920	8,062	8,781	8,459
Cases ¹ outstanding at the end of the year	11,650	8,344	8,429	8,190	36	15	31	12	628	562	544	520	380	459	435	423	12,694	9,380	9,439	9,145

¹physical count effected

Table 1.2 - Criminal cases at the Supreme Court, 2008 - 2011

Court	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Court of Assizes	60	36	15	31	24	25	36	17	48	24	20	26	36	15	31	12
Trial by Jury	16	11	3	12	11	12	18	9	16	14	9	8	11	3	12	7
Trial without Jury	44	25	12	19	13	13	18	8	32	10	11	18	25	12	19	5

Table 1.3 - Offences² disposed by type of offence at the Court of Assizes, 2008 - 2011

Offences	2008	2009	2010	2011
Trial by Jury	17	14	11	11
Murder	9	4	8	5
Manslaughter	7	9	1	-
Wounds and blows causing death without intention to kill	-	-	-	-
Arson causing death	-	-	1	-
Other	1	1	1	6
Trial without Jury	45	17	11	23
Importation of heroin	28	17	11	10
Importation of gandia	1	-	-	13
Other	16	-	-	-
Total	62	31	22	34

¹physical count effected

²a case may comprise one or more offences

Table 1.3a - Offences disposed by type of offence and outcome of judgement at the Court of Assizes, 2008 - 2011

	2008	2009	2010	2011
Total convictions	57	30	22	32
<u>Imprisonment</u>	51	30	22	32
<i>Intentional homicide:</i>	<i>16</i>	<i>13</i>	<i>10</i>	<i>5</i>
Murder	9	4	8	5
Manslaughter	7	9	1	-
Arson causing death	-	-	1	-
<i>Drug offences:</i>	<i>26</i>	<i>16</i>	<i>11</i>	<i>21</i>
Importation of heroin	26	16	11	8
Importation of gandia	-	-	-	13
<i>Other offences</i> ¹	<i>9</i>	<i>1</i>	<i>1</i>	<i>6</i>
<u>Fine</u>	6	-	-	-
<i>Drug offences:</i>	<i>1</i>	-	-	-
Importation of heroin	1	-	-	-
<i>Other offences</i> ¹	<i>5</i>	-	-	-
<u>Dismissed/Struck Out/Nolle Prosequi</u>	5	1	-	2
<i>Drug offences:</i>	<i>2</i>	<i>1</i>	-	<i>2</i>
Importation of heroin	1	1	-	2
Importation of gandia	1	-	-	-
<i>Other offences</i> ¹	<i>3</i>	-	-	-

¹other offences include cases of rape/importation/possession of other drugs (e.g hashish, subitex, etc.)

Table 1.4 - Appellate Jurisdiction at the Supreme Court, 2008 - 2011

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Criminal	275	380	459	435	225	221	178	200	120	145	202	180	380	459	435	423
Criminal appeals from Lower Courts	267	359	436	405	209	213	168	185	117	135	199	175	359	436	405	395
Court of Criminal Appeals	8	21	23	30	16	8	10	15	3	10	3	5	21	23	30	28
Civil	506	628	562	544	291	202	178	198	169	188	196	201	628	562	544	520
Civil appeals from Lower Courts	265	337	254	221	142	80	66	60	70	91	99	80	337	254	221	173
Appeals from decisions of the Judge sitting at Chambers, tribunals & other authorities, etc.	149	189	184	192	103	67	66	86	63	72	58	64	189	184	192	237
Court of Civil Appeals	92	102	124	131	46	55	46	52	36	25	39	57	102	124	131	110
Total	781	1,008	1,021	979	516	423	356	398	289	333	398	381	1,008	1,021	979	943

¹physical count effected

Table 1.5 - Civil cases at the Supreme Court, 2008 - 2011

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Commercial Court	802	341	436	183	337	938	1,349	1,405	285	1,193	1,304	1,318	854	436	183	258
Chambers	...	...	20	65	...	605	764	721	...	585	754	752	...	20	65	45
Company winding-up petitions	412	215	388	101	186	236	531	623	121	413	495	509	477	388	101	185
Bankruptcy notices	216	69	6	1	96	54	0	0	115	117	5	1	197	6	1	0
Bankruptcy petitions	174	57	22	16	55	43	54	61	49	78	50	56	180	22	16	28
Master's Court	877	1,314	1,170	962	697	674	766	687	783	818	999	746	791	1,170	962	1,051
Sale by levy/Licitations	93	661	602	537	419	403	516	408	474	462	591	545	38	602	537	480
Petitions for division-in-kind	784	653	568	425	278	271	250	279	309	356	408	201	753	568	425	571
Family Division	2,453	2,117	2,271	2,607	1,930	2,069	3,552	3,798	1,790	2,414	3,216	3,409	2,117	2,271	2,607	2,996
Divorce Petitions	2,453	2,117	1,772	1,974	1,930	2,069	2,221	2,248	1,790	2,414	2,019	2,095	2,117	1,772	1,974	2,127
Motions (alimony, child custody, etc)	...	...	396	441	...	...	646	630	...	...	601	586	...	396	441	485
Chambers	...	...	103	192	...	...	685	920	...	...	596	728	...	103	192	384
Registry (Le Greffe)	4,442	4,896	4,124	4,219	1,425	1,075	990	1,020	971	1,231	895	947	4,896	4,124	4,219	3,539
Plaints with summons	3,998	4,141	3,367	3,432	763	776	671	684	620	934	606	710	4,141	3,367	3,432	3,115
Motions and other applications & Ref. from Chambers	444	755	757	787	662	299	319	336	351	297	289	237	755	757	787	424
Chambers (civil)	2,431	2,992	343	458	2,315	2,408	2,185	1,836	1,754	2,049	1,949	1,632	2,992	343	458	346
Total	11,005	11,660	8,344	8,429	6,704	7,164	8,842	8,746	5,583	7,705	8,363	8,052	11,650	8,344	8,429	8,190

¹physical count effected except for Family Division

... not available

Figure 1.5a - Cases lodged at the Supreme Court, 2010 & 2011

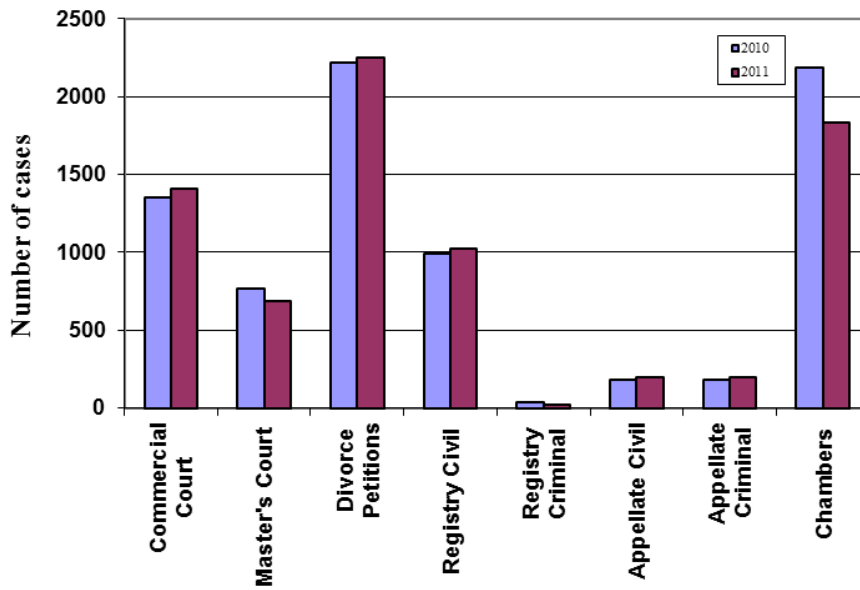


Figure 1.5b - Cases disposed at the Supreme Court, 2010 & 2011

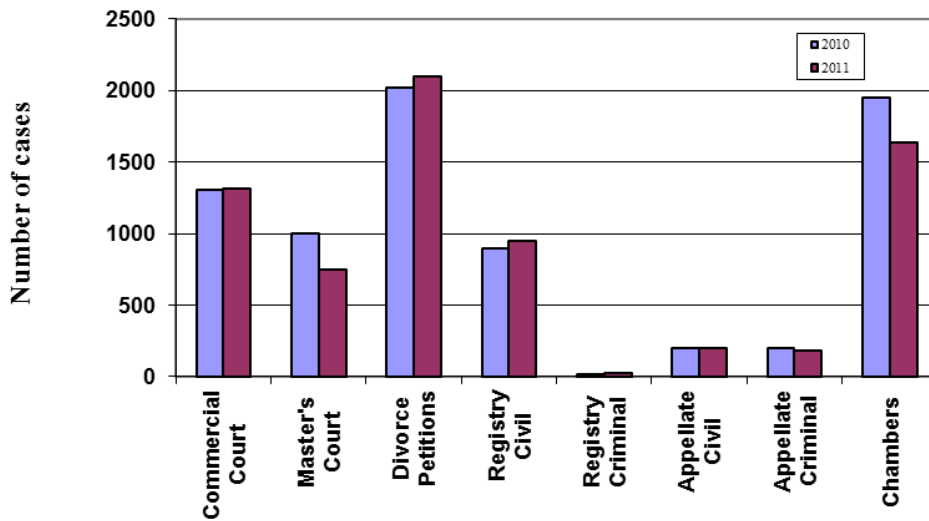


Table 1.6 - Divorce cases, Republic of Mauritius, 2008 - 2011

	Island of Mauritius				Island of Rodrigues				Republic of Mauritius			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Cases pending at the beginning of the year	2,453	2,117	1,772	1,974	75	78	69	71	2,528	2,195	1,841	2,045
Cases lodged	1,930	2,069	2,221	2,248	60	99	59	50	1,990	2,168	2,280	2,298
Cases disposed:	1,790	2,414	2,019	2,095	57	108	57	69	1,847	2,522	2,076	2,164
<i>Divorce pronounced</i>	<i>1,524</i>	<i>2,057</i>	<i>1,790</i>	<i>1,727</i>	<i>45</i>	<i>97</i>	<i>47</i>	<i>61</i>	<i>1,569</i>	<i>2,154</i>	<i>1,837</i>	<i>1,788</i>
<i>Withdrawn/Struck out/Set aside</i>	<i>256</i>	<i>341</i>	<i>227</i>	<i>353</i>	<i>11</i>	<i>11</i>	<i>10</i>	<i>7</i>	<i>267</i>	<i>352</i>	<i>237</i>	<i>360</i>
<i>Dismissed</i>	<i>10</i>	<i>13</i>	<i>1</i>	<i>13</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>1</i>	<i>10</i>	<i>13</i>	<i>1</i>	<i>14</i>
<i>Judicial separation</i>	<i>-</i>	<i>3</i>	<i>1</i>	<i>2</i>	<i>1</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>1</i>	<i>3</i>	<i>1</i>	<i>2</i>
Cases outstanding at the end of the year	2,117	1,772	1,974	2,127	78	69	71	52	2,195	1,841	2,045	2,179

Table 1.7 - Divorces/Judicial separations pronounced by number of children involved in the marriage, Republic of Mauritius, 2008 - 2011

No. of children involved	Island of Mauritius				Island of Rodrigues				Republic of Mauritius			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
0	468	650	602	606	5	15	6	9	473	665	608	615
1	420	705	552	494	22	39	19	24	442	744	571	518
2	488	511	468	405	7	24	14	16	495	535	482	421
3	103	152	134	166	8	11	6	8	111	163	140	174
4	27	27	29	45	1	3	1	2	28	30	30	47
5	10	11	3	8	1	3	1	0	11	14	4	8
6 and above	8	4	3	5	2	2	0	2	10	6	3	7
Total	1,524	2,060	1,791	1,729	46	97	47	61	1,570	2,157	1,838	1,790

Table 1.8 - Divorces pronounced by petitioning parties and grounds, Republic of Mauritius, 2008 - 2011

Petitioning party & grounds	Island of Mauritius				Island of Rodrigues				Republic of Mauritius			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Husband petitioner	579	794	662	663	22	41	12	17	601	835	674	680
Grounds:												
Faute	423	577	454	389	10	28	9	14	433	605	463	403
Rupture de vie commune	28	63	27	32	4	5	2	1	32	68	29	33
Aux torts partagés	128	154	181	242	8	8	1	2	136	162	182	244
Wife petitioner	945	1,263	1,128	1,021	23	56	35	42	968	1,319	1,163	1,063
Grounds:												
Faute	768	1,080	969	755	22	50	33	38	790	1,130	1,002	793
Rupture de vie commune	19	16	16	17	-	1	-	2	19	17	16	19
Aux torts partagés	158	167	143	249	1	5	2	2	159	172	145	251
Joint petitioners (both husband & wife)	...	...	...	43	...	...	...	2	...	...	...	45
Ground:												
Mutual consent ¹	...	...	...	43	...	...	...	2	...	...	...	45
Total	1524	2,057	1,790	1,727	45	97	47	61	1,569	2,154	1,837	1,788

¹divorce on ground of mutual consent started as from May 2011

Table 1.9 - Divorces/Judicial separations pronounced by duration of marriage (years), Republic of Mauritius, 2008 - 2011

Duration of marriage (years)	Island of Mauritius				Island of Rodrigues				Republic of Mauritius			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
<1 -- 4	312	405	369	396	6	14	5	6	318	419	374	402
5 -- 9	473	613	506	475	13	26	20	16	486	639	526	491
10 -- 14	323	448	368	333	7	20	12	15	330	468	380	348
15 -- 19	213	275	273	230	10	12	5	9	223	287	278	239
20 -- 24	133	187	151	148	5	12	4	6	138	199	155	154
25 -- 29	40	85	67	92	-	6	0	5	40	91	67	97
30 and above	30	47	57	55	5	7	1	4	35	54	58	59
Total	1,524	2,060	1,791	1,729	46	97	47	61	1,570	2,157	1,838	1,790

Figure 1.9 - Divorces/Judicial separations pronounced by duration of marriage (years), Republic of Mauritius, 2011

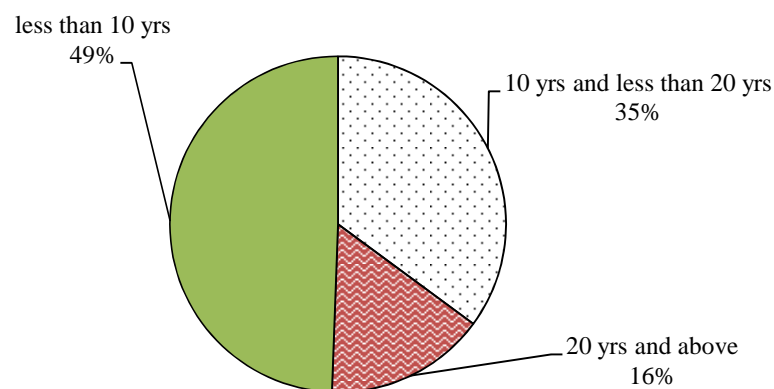


Table 1.10 - Civil cases at the Mediation Division of the Supreme Court, 2011

Cases received during the year	444
No of cases where agreement has been recorded	147
No of cases purely and simply struck out/set aside	40
No of cases referred back to court (MR) to be fixed	148
Cases outstanding at the end of the year	109

The Mediation Division of the Supreme Court was introduced in January 2011 and hence there were no outstanding cases at the beginning of the year

3. INTERMEDIATE COURT

The total number of cases lodged decreased by 1.5% from 2010 to 2011. A fall can be noted in criminal cases whilst civil cases rose by 7.1%.

Conversely, disposed civil cases dropped down by 8.6% whilst disposed criminal cases increased by 3.8% for the same period.

The number of outstanding cases at the end of year 2011 were 2,502 for civil and 1,385 for criminal cases.

Table 2.1 - Civil and criminal cases at the Intermediate Court, 2008 - 2011

	Civil cases				Criminal cases				Total			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Cases pending at the beginning of the year	2,784	2,651	2,844	3,026	1,230	1,185	1,411	1,804	4,014	3,836	4,255	4,830
Cases lodged	2,065	2,052	2,167	2,322	1,400	1,586	1,961	1,743	3,465	3,638	4,128	4,065
Cases disposed	2,198	1,859	1,985	1,814	1,445	1,360	1,568	1,628	3,643	3,219	3,553	3,442
Cases ¹ outstanding at the end of the year	2,651	2,844	3,026	2,502	1,185	1,411	1,804	1,385	3,836	4,255	4,830	3,887

¹ physical count effected

4. INDUSTRIAL COURT

The total number of cases lodged at the Industrial Court has fallen by 13.9% from 1,272 in 2010 to 1,095 in 2011. Similarly a fall of 24.0% was noted in civil cases whilst criminal cases rose by 30.6%.

An overall decrease of 3.7% was registered in the number of cases disposed.

A physical count of the total number of cases showed that 835 cases (641 civil and 194 criminal) were left outstanding at the end of the year 2011.

Table 3.1 - Civil and criminal cases at the Industrial Court, 2008 - 2011

	Civil cases				Criminal cases				Total			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Cases pending at the beginning of the year	480	307	415	657	181	116	117	159	661	423	532	816
Cases lodged	624	927	1,037	788	206	145	235	307	830	1,072	1,272	1,095
Cases disposed	797	819	928	804	271	144	191	274	1,068	963	1,119	1,078
Cases ¹ outstanding at the end of the year	307	415	657	641	116	117	159	194	423	532	816	835

¹ physical count effected

5. DISTRICT COURTS

About 41.7% of the civil and criminal cases were lodged in urban areas in 2011, with 25,023 cases in the two District Courts of Plaines Wilhems and 21,793 cases in the District Courts of Port Louis. Among the rural areas, the District Court of Pamplemousses registered the largest number of lodged cases (Table 4.1).

Although major increases were noted in the number of criminal cases lodged at the District Courts of Port Louis Division II (from 7,206 in 2010 to 9,687 in 2011) and Black River (from 3,908 in 2010 to 5,052 in 2011), the total number of criminal cases lodged decreased by 3.5% (Table 4.2).

Decreases in the number of civil cases lodged were noted in 50% of the District Courts with higher decreases noted in the District Courts of Plaines Wilhems (20.1%) and Flacq (10.3%) from 2010 to 2011 (Table 4.3). The total number of civil cases lodged decreased by 2.3% from 2010 to 2011.

In 2011, 102,814 criminal cases were disposed compared to 104,689 cases in 2010; representing a decrease of 1.8%. The decreases were mainly felt at the District Courts of Grand Port, Rodrigues and Plaines Wilhems (Table 4.2).

Similarly, the total number of civil cases disposed decreased by 15.0% from 8,449 in 2010 to 7,182 in 2011 (Table 4.3).

Table 4.1 - Civil and criminal cases at the District Courts, 2008 - 2011

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Port Louis Div I	1,839	1,356	1,229	1,171	1,886	1,799	1,663	1,927	2,369	1,926	1,499	1,678	1,356	1,229	1,171	869
Port Louis Div II	2,076	2,078	2,252	2,071	7,215	6,210	7,206	9,687	7,213	6,036	6,238	7,956	2,078	2,252	2,071	3,802
Port Louis Div III	7,724	8,366	2,241	1,580	14,568	15,439	12,670	10,179	13,926	13,552	11,149	11,081	8,366	2,241	1,580	678
Pamplemousses	4,971	2,319	3,239	2,913	10,442	11,946	12,350	15,273	9,408	11,026	11,833	14,891	2,319	3,239	2,913	2,878
Riviere du Rempart	1,562	2,497	3,472	3,165	7,785	9,725	9,057	10,766	6,850	8,755	9,112	9,553	2,497	3,472	3,165	3,553
Flacq	4,295	2,106	1,684	3,126	8,212	8,994	10,248	9,999	7,931	9,356	8,831	9,641	2,106	1,684	3,126	3,474
Moka	1,308	1,161	1,283	1,279	5,389	7,061	8,269	7,830	5,536	6,929	7,851	7,318	1,161	1,283	1,279	1,512
Lower Plains Wilhems	3,297	3,814	4,306	1,488	16,982	12,313	14,061	12,578	16,422	11,821	15,343	13,538	3,814	4,306	1,488	1,856
Upper Plains Wilhems	2,124	1,160	1,224	3,401	11,782	14,454	17,724	12,445	12,762	14,390	15,528	13,187	1,160	1,224	3,401	2,266
Grand Port	3,261	2,475	3,339	1,855	12,672	13,499	10,365	7,133	13,458	12,635	11,849	6,826	2,475	3,339	1,855	1,677
Savanne	2,148	2,330	3,081	1,667	6,386	6,248	6,007	6,816	6,204	5,501	6,791	6,649	2,330	3,081	1,667	1,617
Black River	1,285	1,370	1,280	680	4,426	4,130	4,357	5,529	4,359	4,220	4,104	5,209	1,370	1,280	680	981
Rodrigues	601	2,019	1,008	321	3,277	3,213	2,323	2,162	1,859	4,224	3,010	2,469	2,019	1,008	321	306
Total (Island of Mauritius)	35,890	31,032	28,630	24,396	107,745	111,818	113,977	110,162	106,438	106,147	110,128	107,527	31,032	28,630	24,396	25,163
Total (Republic of Mauritius)	36,491	33,051	29,638	24,717	111,022	115,031	116,300	112,324	108,297	110,371	113,138	109,996	33,051	29,638	24,717	25,469

¹physical count effected

Table 4.2 - Criminal cases at the District Courts, 2008 - 2011

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Port Louis Div II	2,076	2,078	2,252	2,071	7,215	6,210	7,206	9,687	7,213	6,036	6,238	7,956	2,078	2,252	2,071	3,802
Port Louis Div III	7,724	8,366	2,241	1,580	14,568	15,439	12,670	10,179	13,926	13,552	11,149	11,081	8,366	2,241	1,580	678
Pamplemousses	4,875	2,237	3,098	2,810	10,034	11,372	11,744	14,705	8,986	10,511	11,142	14,298	2,237	3,098	2,810	2,778
Riviere du Rempart	1,456	2,431	3,383	3,056	7,424	9,213	8,617	10,369	6,449	8,261	8,678	9,118	2,431	3,383	3,056	3,482
Flacq	3,935	1,923	1,469	3,033	7,723	8,294	9,512	9,339	7,259	8,748	7,996	9,026	1,923	1,469	3,033	3,336
Moka	1,221	1,133	1,223	1,190	5,039	6,444	7,797	7,294	5,127	6,354	7,408	6,811	1,133	1,223	1,190	1,394
Lower Plaines Wilhems	2,854	3,356	3,509	1,281	15,496	10,184	12,555	11,294	14,994	10,031	13,495	12,533	3,356	3,509	1,281	1,259
Upper Plaines Wilhems	1,649	593	791	3,165	10,577	12,689	16,424	11,486	11,633	12,491	14,248	12,326	593	791	3,165	1,927
Grand Port	3,074	2,337	3,210	1,738	12,120	12,832	9,863	6,557	12,857	11,959	11,335	6,391	2,337	3,210	1,738	1,419
Savanne	2,093	2,263	3,052	1,619	6,065	5,896	5,692	6,481	5,895	5,107	6,497	6,350	2,263	3,052	1,619	1,519
Black River	1,226	1,301	1,235	593	4,058	3,746	3,908	5,052	3,983	3,812	3,697	4,699	1,301	1,235	593	927
Rodrigues	451	1,868	877	206	3,032	2,902	2,135	1,891	1,615	3,893	2,806	2,225	1,868	877	206	164
Total (Island of Mauritius)	32,183	28,018	25,463	22,136	100,319	102,319	105,988	102,443	98,322	96,862	101,883	100,589	28,018	25,463	22,136	22,521
Total (Republic of Mauritius)	32,634	29,886	26,340	22,342	103,351	105,221	108,123	104,334	99,937	100,755	104,689	102,814	29,886	26,340	22,342	22,685

¹physical count effected

Table 4.3 - Civil cases at the District Courts, 2008 - 2011

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Port Louis Div I	1,839	1,356	1,229	1,171	1,886	1,799	1,663	1,927	2,369	1,926	1,499	1,678	1,356	1,229	1,171	869
Pamplemousses	96	82	141	103	408	574	606	568	422	515	691	593	82	141	103	100
Riviere du Rempart	106	66	89	109	361	512	440	397	401	494	434	435	66	89	109	71
Flacq	360	183	215	93	489	700	736	660	672	608	835	615	183	215	93	138
Moka	87	28	60	89	350	617	472	536	409	575	443	507	28	60	89	118
Lower Plaines Wilhems	443	458	797	207	1,486	2,129	1,506	1,284	1,428	1,790	1,848	1,005	458	797	207	597
Upper Plaines Wilhems	475	567	433	236	1,205	1,765	1,300	959	1,129	1,899	1,280	861	567	433	236	339
Grand Port	187	138	129	117	552	667	502	576	601	676	514	435	138	129	117	258
Savanne	55	67	29	48	321	352	315	335	309	394	294	299	67	29	48	98
Black River	59	69	45	87	368	384	449	477	376	408	407	510	69	45	87	54
Rodrigues	150	151	131	115	245	311	188	271	244	331	204	244	151	131	115	142
Total (Island of Mauritius)	3,707	3,014	3,167	2,260	7,426	9,499	7,989	7,719	8,116	9,285	8,245	6,938	3,014	3,167	2,260	2,642
Total (Republic of Mauritius)	3,857	3,165	3,298	2,375	7,671	9,810	8,177	7,990	8,360	9,616	8,449	7,182	3,165	3,298	2,375	2,784

¹physical count effected

Table 4.4 - Small Claims Procedure at the District Courts, 2008 - 2011

	Cases lodged				Cases disposed			
	2008	2009	2010	2011	2008	2009	2010	2011
Port Louis Div I	203	130	147	112	173	141	157	111
Pamplemousses	130	105	134	77	87	123	140	74
Riviere du Rempart	119	108	104	80	96	119	112	86
Flacq	180	288	238	163	102	195	309	183
Moka	135	280	215	270	128	254	207	236
Lower Plaines Wilhems	131	122	166	103	123	50	172	84
Upper Plaines Wilhems	129	119	231	131	130	129	167	128
Grand Port	102	132	121	156	93	123	109	99
Savanne	69	94	125	159	59	103	118	111
Black River	190	167	158	123	157	188	148	125
Rodrigues	1	14	24	29	-	11	14	38
Total (Island of Mauritius)	1,388	1,545	1,639	1,374	1,148	1,425	1,639	1,237
Total (Republic of Mauritius)	1,389	1,559	1,663	1,403	1,148	1,436	1,653	1,275

Table 4.5 - Cases under the Protection from Domestic Violence Act 1997, at the District Courts, 2008 - 2011

	Cases lodged				Cases disposed			
	2008	2009	2010	2011	2008	2009	2010	2011
Port Louis Div I	260	255	208	174	244	273	201	177
Pamplemousses	136	145	233	250	144	136	216	228
Riviere du Rempart	135	140	168	123	138	143	156	120
Flacq	129	126	167	145	141	126	151	136
Moka	133	93	94	106	141	94	86	110
Lower Plaines Wilhems	365	561	543	330	378	532	520	321
Upper Plaines Wilhems	150	194	204	187	159	185	196	187
Grand Port	98	132	115	95	86	134	112	95
Savanne	53	46	29	16	58	40	37	16
Black River	84	80	106	136	79	81	104	143
Rodrigues	61	29	38	50	61	29	40	49
Total (Island of Mauritius)	1,543	1,772	1,867	1,562	1,568	1,744	1,779	1,533
Total (Republic of Mauritius)	1,604	1,801	1,905	1,612	1,629	1,773	1,819	1,582

Figure 4.1a - Total cases lodged, disposed and outstanding at the District Courts, Republic of Mauritius, 2010 & 2011

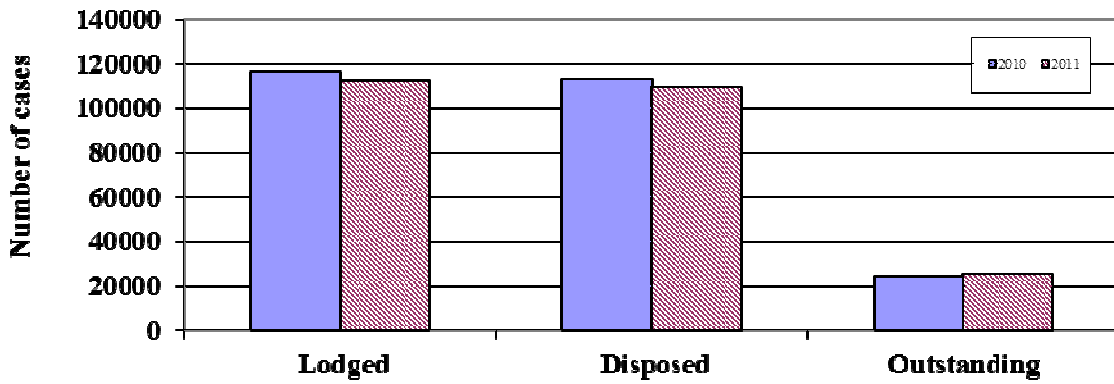
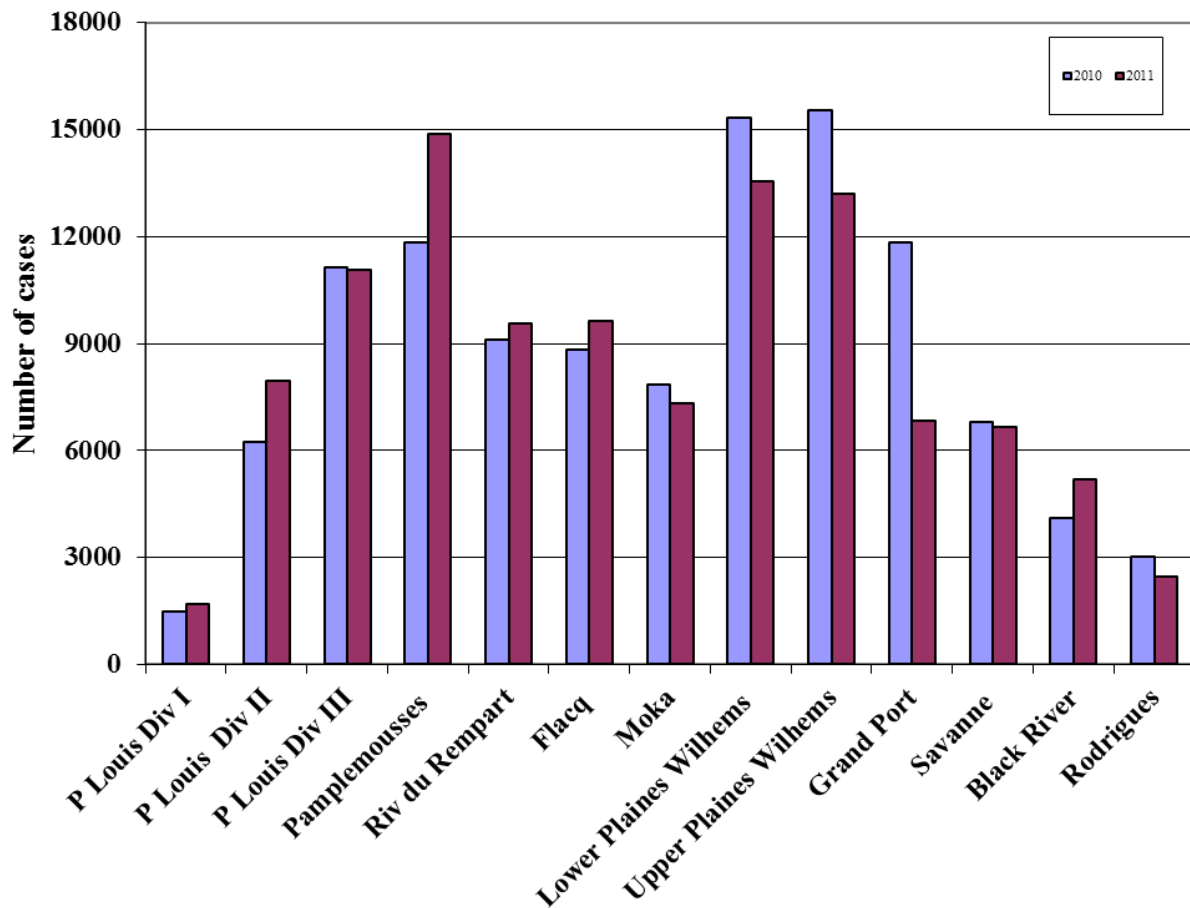


Figure 4.1b - Civil and criminal cases disposed by District Courts, 2010 & 2011



6. CASES IN THE REPUBLIC OF MAURITIUS

There has been a decrease of 3.6% in the number of criminal cases lodged in the Republic of Mauritius from 2010 to 2011. For the same period, civil cases lodged decreased by 1.7%. Conversely, an increase of 44.1% was noted in civil cases lodged in the Island of Rodrigues.

Similarly, for the same period, the total number of cases disposed fell by 2.8% resulting from a decrease in both civil (9.4%) and criminal (1.6%) cases.

Table 5.1 - Total cases, Republic of Mauritius, 2008 - 2011

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Republic of Mauritius	53,012	50,014	43,805	39,802	122,561	127,353	130,934	126,645	118,928	122,615	126,591	122,975	50,004	43,805	39,802	39,336
Island of Mauritius	52,411	47,995	42,797	39,481	119,284	124,140	128,611	124,483	117,069	118,391	123,581	120,506	47,985	42,797	39,481	39,030
Supreme Court	11,846	12,704	9,380	9,439	7,244	7,612	9,234	9,161	5,920	8,062	8,781	8,459	12,694	9,380	9,439	9,145
<i>Appeal cases</i>	781	1,008	1,021	979	516	423	356	398	289	333	398	381	1,008	1,021	979	943
<i>Other cases</i>	11,065	11,696	8,359	8,460	6,728	7,189	8,878	8,763	5,631	7,729	8,383	8,078	11,686	8,359	8,460	8,202
Industrial Court	661	423	532	816	830	1,072	1,272	1,095	1,068	963	1,119	1,078	423	532	816	835
Intermediate Court	4,014	3,836	4,255	4,830	3,465	3,638	4,128	4,065	3,643	3,219	3,553	3,442	3,836	4,255	4,830	3,887
District Courts	35,890	31,032	28,630	24,396	107,745	111,818	113,977	110,162	106,438	106,147	110,128	107,527	31,032	28,630	24,396	25,163
Court of Rodrigues	601	2,019	1,008	321	3,277	3,213	2,323	2,162	1,859	4,224	3,010	2,469	2,019	1,008	321	306

¹physical count effected

Table 5.2 - Criminal cases, Republic of Mauritius, 2008 - 2011

	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Republic of Mauritius	34,380	31,603	28,342	24,771	105,206	107,198	110,533	106,601	101,821	102,428	106,670	104,922	31,603	28,342	24,771	24,699
Island of Mauritius	33,929	29,735	27,465	24,565	102,174	104,296	108,398	104,710	100,206	98,535	103,864	102,697	29,735	27,465	24,565	24,535
Supreme Court	335	416	474	466	249	246	214	217	168	169	222	206	416	474	466	435
<i>Appeal cases</i>	<i>275</i>	<i>380</i>	<i>459</i>	<i>435</i>	<i>225</i>	<i>221</i>	<i>178</i>	<i>200</i>	<i>120</i>	<i>145</i>	<i>202</i>	<i>180</i>	<i>380</i>	<i>459</i>	<i>435</i>	<i>423</i>
<i>Other cases</i>	<i>60</i>	<i>36</i>	<i>15</i>	<i>31</i>	<i>24</i>	<i>25</i>	<i>36</i>	<i>17</i>	<i>48</i>	<i>24</i>	<i>20</i>	<i>26</i>	<i>36</i>	<i>15</i>	<i>31</i>	<i>12</i>
Industrial Court	181	116	117	159	206	145	235	307	271	144	191	274	116	117	159	194
Intermediate Court	1,230	1,185	1,411	1,804	1,400	1,586	1,961	1,743	1,445	1,360	1,568	1,628	1,185	1,411	1,804	1,385
District Courts	32,183	28,018	25,463	22,136	100,319	102,319	105,988	102,443	98,322	96,862	101,883	100,589	28,018	25,463	22,136	22,521
Court of Rodrigues	451	1,868	877	206	3,032	2,902	2,135	1,891	1,615	3,893	2,806	2,225	1,868	877	206	164

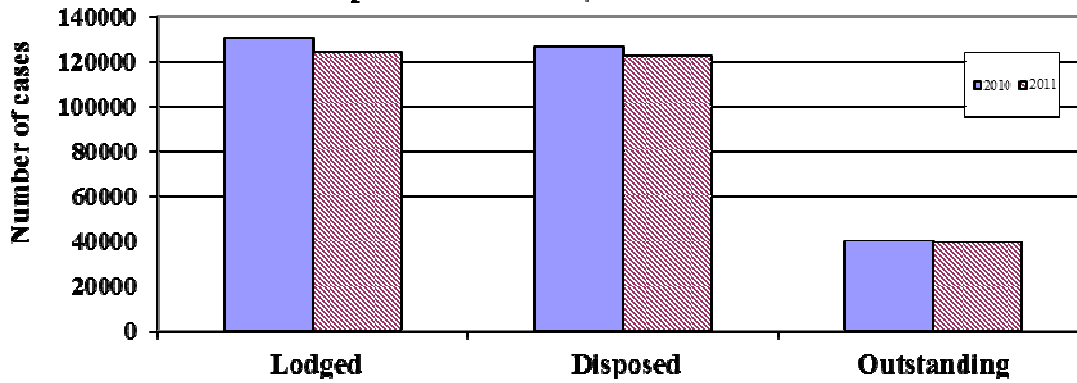
¹physical count effected

Table 5.3 - Civil cases, Republic of Mauritius, 2008 - 2011

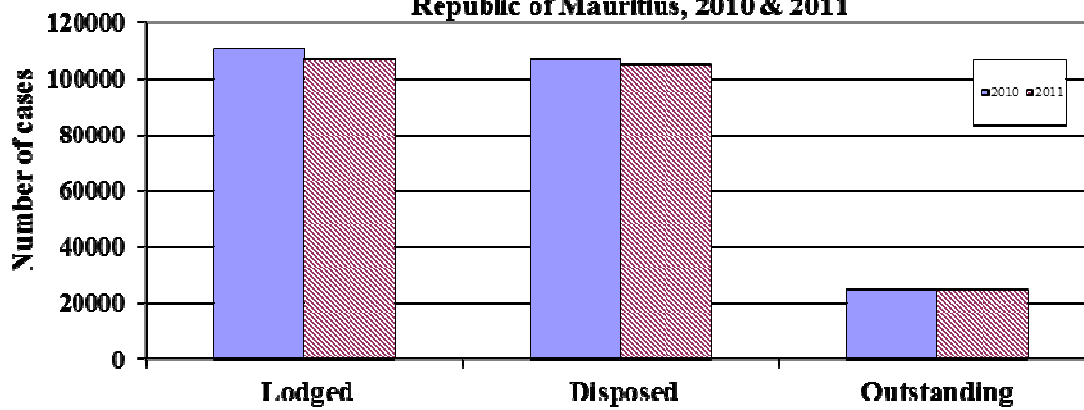
	Cases pending at the beginning of the year				Cases lodged				Cases disposed				Cases ¹ outstanding at the end of the year			
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Republic of Mauritius	18,632	18,411	15,463	15,031	17,355	20,155	20,401	20,044	17,107	20,187	19,921	18,053	18,401	15,463	15,031	14,637
Island of Mauritius	18,482	18,260	15,332	14,916	17,110	19,844	20,213	19,773	16,863	19,856	19,717	17,809	18,250	15,332	14,916	14,495
Supreme Court	11,511	12,288	8,906	8,973	6,995	7,366	9,020	8,944	5,752	7,893	8,559	8,253	12,278	8,906	8,973	8,710
<i>Appeal cases</i>	506	628	562	544	291	202	178	198	169	188	196	201	628	562	544	520
<i>Other cases</i>	11,005	11,660	8,344	8,429	6,704	7,164	8,842	8,746	5,583	7,705	8,363	8,052	11,650	8,344	8,429	8,190
Industrial Court	480	307	415	657	624	927	1,037	788	797	819	928	804	307	415	657	641
Intermediate Court	2,784	2,651	2,844	3,026	2,065	2,052	2,167	2,322	2,198	1,859	1,985	1,814	2,651	2,844	3,026	2,502
District Courts	3,707	3,014	3,167	2,260	7,426	9,499	7,989	7,719	8,116	9,285	8,245	6,938	3,014	3,167	2,260	2,642
Court of Rodrigues	150	151	131	115	245	311	188	271	244	331	204	244	151	131	115	142

¹physical count effected

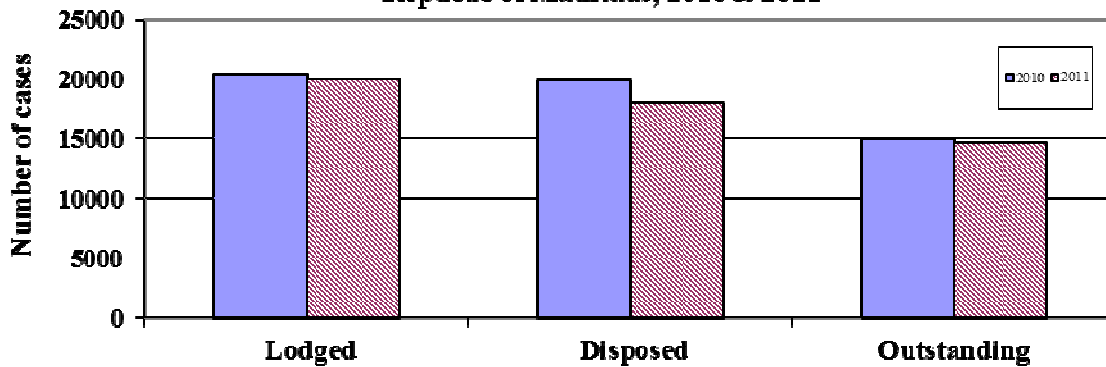
**Figure 5.1 - Total cases lodged, disposed and outstanding,
Republic of Mauritius, 2010 & 2011**



**Figure 5.2 - Criminal cases lodged, disposed and outstanding,
Republic of Mauritius, 2010 & 2011**



**Figure 5.3 - Civil cases lodged, disposed and outstanding,
Republic of Mauritius, 2010 & 2011**



7. CRIME STATISTICS

7.1 Summary of criminal offences disposed

In 83.1% (97,780) of the 117,700 offences disposed in 2011, the defendants were proven guilty and sentenced; while 16.9% of the offences were acquitted or non- adjudicated (Chart 6.2).

The Supreme Court and the Industrial Court have the highest percentage (more than 90%) of offences proven guilty compared to the District Courts (83.3%). The Intermediate Court has the lowest rank with 21.9% of the offences being acquitted or non- adjudicated.

Only 3,460 (3.5%) of the offences proven guilty were sentenced to Custodial Orders, i.e. the persons were detained in an institution to serve their sentences. In the majority (96.5 %) of the offences, the defendants were either sentenced to pay fines, serve Community Service Orders/Probation Orders or were discharged.

All of the sentences pronounced (proven guilty) at the Supreme Court and 38.3% of those pronounced at the Intermediate Court were Custodial Orders. Conversely, all of the sentences pronounced at the Industrial Court and 97.9% of those pronounced at the District Courts were Non-Custodial Orders.

7.2 Convicted offences

Due to changes in classifications of offences as from 2011, 2010 figures have been revised but are not strictly comparable with 2011 figures.

A total of 97,778 offences were convicted in 2011, representing a decrease of 6.9% compared to 2010 (Table 6.3).

Convictions for sexual offences increased by 70.3% from 91 in 2010 to 155 in 2011.

Around 75.0% of the criminal offences disposed in the Republic of Mauritius in 2011 were road traffic contraventions. In addition to the 73,073 contraventions disposed in 2011 as shown in Table 6.3, more road traffic contraventions were paid via fixed penalty notices. These are directly paid to the cash offices and are not considered as offences lodged and disposed at court. However, if the contravened is not agreeable to pay the fine, then a case is lodged.

Table 6.1 - Criminal offences disposed according to United Nations classification of offences (broad categories), Republic of Mauritius, 2010 & 2011

	Island of Mauritius		Island of Rodrigues		Republic of Mauritius	
	2010	2011	2010	2011	2010	2011
Homicide and related offences	82	120	1	3	83	123
<i>Intentional Homicide (committed)</i>	10	7	1	1	11	8
<i>Intentional Homicide (attempted)</i>	*	1	*	0	*	1
<i>Non Intentional Homicide</i>	72	112	0	2	72	114
Assault and related offences	8,061	7,093	225	231	8,286	7,324
Sexual offences	150	253	12	19	162	272
Property offences	7,633	8,031	242	224	7,875	8,255
<i>Fraud and dishonesty</i>	794	1,003	2	47	796	1,050
<i>Embezzlement</i>	171	219	2	5	173	224
<i>Theft</i>	3,810	4,560	110	76	3,920	4,636
<i>Robbery</i>	1,404	1,899	28	12	1,432	1,911
<i>Burglary</i>	194	487	19	18	213	505
<i>Other theft (excluding automobile theft)</i>	2,212	2,174	63	46	2,275	2,220
<i>Other property offences</i>	2,858	2,249	128	96	2,986	2,345
Drug offences	2,847	2,683	55	57	2,902	2,740
Road traffic contraventions ¹	88,439	82,124	2,388	1,684	90,827	83,808
Other contraventions	496	322	22	25	518	347
Other offences	13,559	14,260	559	565	14,118	14,825
Total	121,267	114,886	3,504	2,808	124,771	117,694

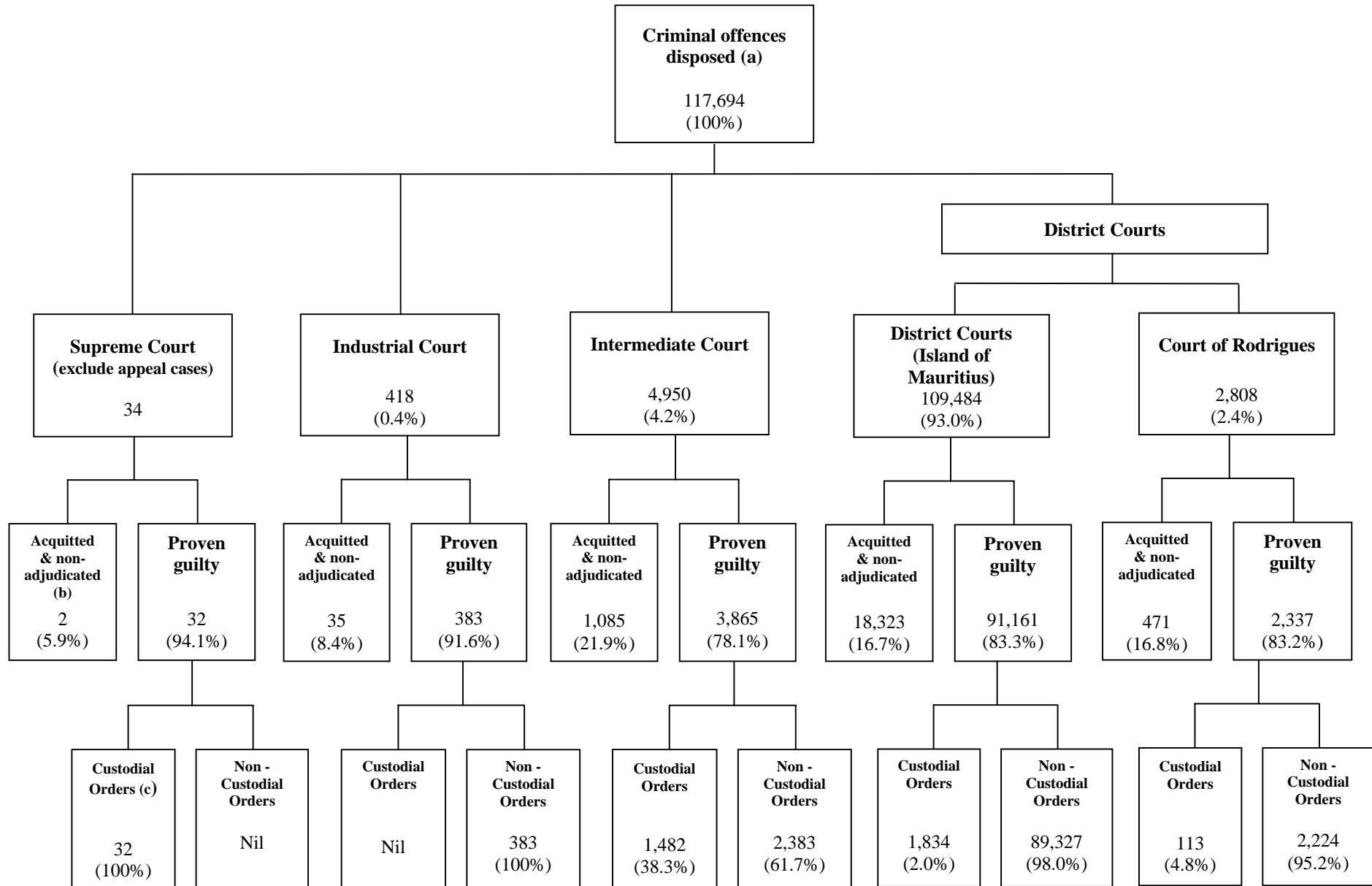
¹Figures on fixed penalty notice not included

* Prior to 2011, figures not collected separately/classified under other offences

Table 6.2 - Criminal offences disposed by courts and outcome of judgement, Republic of Mauritius, 2010 & 2011

	Acquitted & non-adjudicated		Convictions by penalty imposed								Total	
			Imprisonment		RYC, CYC & other institutions		Fine		Probation, Community Service, Conditional & Absolute Discharges			
			2010	2011	2010	2011	2010	2011	2010	2011		
Supreme Court	-	2	22	32	-	-	-	-	-	-	22	34
Industrial Court	21	35	-	-	-	-	249	383	-	-	270	418
Intermediate Court	752	1,085	1,467	1,482	-	-	1,364	1,695	506	688	4,089	4,950
District Courts:	18,913	18,794	1,825	1,893	25	54	98,080	90,011	1,547	1,540	120,390	112,292
<i>Port Louis Div II</i>	898	1,839	167	177	-	2	6,581	9,267	134	111	7,780	11,396
<i>Port Louis Div III</i>	2,402	2,269	179	187	2	14	10,248	9,660	102	159	12,933	12,289
<i>Pamplemousses</i>	1,589	2,831	131	173	1	25	13,470	12,965	153	115	15,344	16,109
<i>Riviere du Rempart</i>	1,524	1,097	36	76	-	-	6,599	6,693	197	193	8,356	8,059
<i>Flacq</i>	1,475	1,518	148	110	-	1	7,765	8,298	150	106	9,538	10,033
<i>Moka</i>	1,119	942	44	66	1	-	6,046	5,518	66	93	7,276	6,619
<i>Lower Plaines Wilhems</i>	2,799	2,202	407	520	-	9	11,306	9,441	175	196	14,687	12,368
<i>Upper Plaines Wilhems</i>	2,001	2,511	119	139	-	-	11,751	9,041	80	136	13,951	11,827
<i>Grand Port</i>	2,486	910	301	223	6	-	11,570	6,388	195	123	14,558	7,644
<i>Savanne</i>	1,329	1,350	156	93	-	3	6,622	6,359	183	177	8,290	7,982
<i>Black River</i>	776	854	80	16	2	-	3,274	4,269	41	19	4,173	5,158
<i>Rodrigues</i>	515	471	57	113	13	-	2,848	2,112	71	112	3,504	2,808
Total (Island of Mauritius)	19,171	19,445	3,257	3,294	12	54	96,845	89,977	1,982	2,116	121,267	114,886
Total (Republic of Mauritius)	19,686	19,916	3,314	3,407	25	54	99,693	92,089	2,053	2,228	124,771	117,694

Figure 6.2 - Summary of criminal offences disposed, Republic of Mauritius, 2011



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(a) Offences by number of person

(b) Acquitted means dismissed and non-adjudicated means struck out & Nolle Prosequi

(c) Custodial Orders comprise imprisonment and detention in Rehabilitation & Correctional Youth Centres

Table 6.3 - Convicted offences according to United Nations classification of offences, Republic of Mauritius, 2010 & 2011

Offences	Imprisonment		RYC, CYC & other Institutions		Fine		Probation, Community Service, Conditional & Absolute Discharges		Total	
	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011
Homicide and related offences	29	25	-	-	31	52	1	2	61	79
<i>Intentional Homicide (committed)</i>	<i>10</i>	<i>6</i>	-	-	-	-	-	-	<i>10</i>	<i>6</i>
Murder	8	5	-	-	-	-	-	-	8	5
Manslaughter	1	-	-	-	-	-	-	-	1	-
Arson causing death	1	-	-	-	-	-	-	-	1	-
Abortion	-	1	-	-	-	-	-	-	-	1
<i>Intentional Homicide (attempted)</i>	<i>*</i>	<i>1</i>	<i>*</i>	-	<i>*</i>	-	<i>*</i>	-	<i>*</i>	<i>1</i>
Attempt at murder	*	1	*	-	*	-	*	-	*	1
<i>Non Intentional Homicide</i>	<i>19</i>	<i>18</i>	-	-	<i>31</i>	<i>52</i>	<i>1</i>	<i>2</i>	<i>51</i>	<i>72</i>
Wounds and blows causing death without intention to kill	12	15	-	-	1	5	-	2	13	22
Involuntary homicide	7	3	-	-	30	47	1	-	38	50
Assault and related offences	89	102	-	-	4,222	3,452	184	201	4,495	3,755
Assault causing loss of eye and limbs	6	-	-	-	8	-	6	-	20	-
Assault/wounds & blows	43	46	-	-	3,952	3,263	147	137	4,142	3,446
Assault causing sickness or incapacity for personal labour for > 20 days	15	8	-	-	109	30	15	28	139	66
Assault against member of the assembly or judicial officer or public functionary	20	34	-	-	146	139	11	16	177	189
Assault with aggravating circumstances (with corrosive substance, upon minors/mentally handicapped persons, etc.)	-	2	-	-	2	6	-	4	2	12
Assault with premeditation	5	12	-	-	5	14	5	16	15	42
Sexual offences	45	57	1	3	6	35	39	60	91	155
Rape	7	4	-	-	-	-	-	-	7	4
Sodomy	9	12	-	3	-	-	1	3	10	18
Bestiality	-	2	-	-	-	2	-	1	-	5
Attempt upon chastity	12	14	1	-	-	2	13	6	26	22
Sexual intercourse with minor under 16	13	12	-	-	1	2	25	45	39	59
Incest (sexual intercourse with a specified person)	4	-	-	-	-	-	-	-	4	-
Sollicits/importunes another person for immoral purpose	*	4	*	-	*	16	*	2	*	22
Sexual offences other	-	9	-	-	5	13	-	3	5	25
Property offences	1,892	2,184	15	20	2,217	2,300	1,357	1,529	5,481	6,032
<i>Fraud and dishonesty</i>	<i>246</i>	<i>261</i>	-	-	<i>301</i>	<i>428</i>	<i>164</i>	<i>205</i>	<i>711</i>	<i>893</i>
Forgery	71	24	-	-	62	146	65	81	198	251
Swindling	115	114	-	-	54	25	25	54	194	192
Making use of forged document	32	17	-	-	35	20	30	4	97	41
Swearing false affidavit	-	-	-	-	3	1	-	5	3	6
Issuing cheque without provision	26	65	-	-	133	122	35	33	194	220
Impersonation	-	-	-	-	-	1	-	1	-	2
Counterfeiting/possession/uttering of counterfeit bank notes	2	2	-	-	6	15	8	5	16	22

Table 6.3 (cont'd) - Convicted offences according to United Nations classification of offences, Republic of Mauritius, 2010 & 2011

Offences	Imprisonment		RYC, CYC & other institutions		Fine		Probation, Community Service, Conditional & Absolute Discharges		Total	
	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011
Forgery of passport/making use of forged passport	*	-	*	-	*	-	*	3	*	3
Extortion	*	-	*	-	*	-	*	1	*	1
Giving false evidence	*	1	*	-	*	3	*	-	*	4
Demanding money or property by threat of false accusation	*	1	*	-	*	5	*	3	*	9
Fraud and dishonesty other	*	37	*	-	*	86	*	9	*	132
Offences under Prevention of Corruption Act (POCA)										
Bribery by Public Official	-	-	-	-	-	1	-	2	-	3
Bribery of Public Official	-	-	-	-	3	-	1	2	4	2
Other offences under POCA	-	-	-	-	5	3	-	2	5	5
Embezzlement	36	53	-	-	56	48	44	66	136	167
Theft	1,473	1,736	15	20	976	1,037	903	1,018	3,367	3,811
Robbery	707	637	7	9	137	123	371	413	1,222	1,182
Larceny armed with offensive weapon	37	48	-	-	8	1	11	8	56	57
Larceny with violence by night breaking	33	26	-	-	11	37	29	18	73	81
Larceny with aggravating circumstances	218	112	5	-	37	24	66	35	326	171
Larceny by 2 or more individuals	353	377	1	6	73	58	235	334	662	775
Larceny on public road	66	74	1	3	8	3	30	18	105	98
Burglary	115	281	-	11	14	30	42	84	171	406
Larceny by night breaking	115	110	-	2	14	9	42	39	171	160
Larceny by day breaking	*	37	*	4	*	2	*	6	*	49
Larceny scaling	*	134	*	5	*	19	*	39	*	197
Other theft (excluding automobile theft)	651	818	8	-	825	884	490	521	1,974	2,223
Larceny by person in receipt of wages	56	84	-	-	35	47	157	182	248	313
Simple larceny	587	561	8	-	789	681	332	213	1,716	1,455
Larceny other	8	129	-	-	1	121	1	99	10	349
Attempt at larceny	*	44	*	-	*	35	*	27	*	106
Other property offences	137	134	0	0	884	786	246	241	1,267	1,161
Damages to property	7	16	0	0	586	492	44	30	637	538
Receiving & possession of stolen property	127	116	0	0	290	288	195	205	612	609
Arson	3	2	0	0	8	6	7	6	18	14
Drug offences	363	312	1	8	2,422	2,315	17	21	2,803	2,656
Road traffic contraventions¹	68	51	1	-	79,947	72,977	37	45	80,053	73,073
Other contraventions	2	-	-	-	466	311	1	1	469	312
Other offences	826	676	7	23	10,382	10,648	417	368	11,632	11,716
<i>of which offences under:</i>										
Environment Protection Act	1	0	0	0	1,981	1,042	0	1	1,982	1,043
Food Act & Public Health Act	1	0	0	0	729	1,289	1	0	731	1,289
Info. & Communication Technology Act	*	0	*	0	*	78	*	31	*	109
Total	3,314	3,407	25	54	99,693	92,089	2,053	2,228	105,085	97,778

¹Figures on fixed penalty notice not included

* Prior to 2011, figures not collected separately/some classified under other offences

Table 6.4 - Drug offences convicted by type, Republic of Mauritius, 2008 - 2011

Drug offences	2008	2009	2010	2011
Heroin	617	339	198	347
Importation	28	17	12	8
Possession	575	306	178	333
Dealing	14	16	8	6
Gandia	510	504	415	502
Importation	33	1	1	13
Possession	473	495	405	475
Dealing	4	8	9	14
Other drugs	2,125	1,850	2,190	1,807
Importation	5	1	3	4
Possession	914	986	881	1,011
Consumption	356	237	341	299
Dealing	88	81	129	32
Other offences	762	545	836	461
Total	3,252	2,693	2,803	2,656

8. THE LEGAL AID UNIT

During the year 2011, 2,802 applications were received with respect to legal aid assistance, of which 2,792 were for civil cases. The number of legal aid recipients at the Supreme Court was 1,288 compared to 1,475 in 2010. There were 1,225 recipients in 2011 with respect to matrimonial cases, 53 for other civil suits and 10 for criminal cases (Table 7.1).

Around Rs 1.2 Million were spent for the year 2011 with respect to legal aid in the Republic of Mauritius.

9. REVENUE AND EXPENDITURE OF THE JUDICIARY

The revenue collected at the various courts of the Island of Mauritius amounted to Rs 303 Million for the fiscal year 2011. This compared to Rs 278 Million for the fiscal year 2010, represents an increase of 9.3% (Table 8.1).

The recurrent expenditure of the Judiciary for the Island of Mauritius amounted to Rs 329 Million (provisional) for the fiscal year 2011 compared to Rs 297 Million for the fiscal year 2010. The increase is mainly explained by the introduction of a grant to the Institute of Judicial and Legal Studies.

Capital expenditure rose from Rs 32 Million to Rs 78 Million for the fiscal year 2011 compared to 2010 mainly due to the e-judiciary project and the acquisitions of IT equipment and air conditioners.

Table 7.1 - Legal aid assistance - applications received, services granted and amount paid - Island of Mauritius, 2008 - 2011

	2008	2009	2010	2011
Civil				
Received	...	...	...	2,792
Granted	1,644	1,675	1,453	1,278
<i>of which matrimonial</i>	1,567	1,582	1,374	1,225
Criminal				
Received & granted	26	15	22	10
Amount paid (Rupees)	2,485,415	2,345,352	1,668,483	1,198,960

Table 8.1 - Revenue collected from courts, Island of Mauritius, 2007/2008 - 2011

	2007/2008	2008/2009	July to Dec 2009	2010	2011 ¹
Fines	139,494,014	148,819,775	103,961,728	228,200,134	254,334,484
Other ²	43,244,108	35,644,745	25,011,828	49,587,437	49,216,336
Total	182,738,122	184,464,520	128,973,556	277,787,571	303,550,820

Table 8.2 - Expenditure of the Judiciary, Island of Mauritius, 2007/2008 - 2011

	2007/2008	2008/2009	July to Dec 2009	2010 ³	2011 ¹
Capital	4,534,255	19,945,968	13,377,706	32,410,115	78,108,848
Recurrent	188,514,728	261,941,217	150,978,560	297,298,691	328,947,371
Total	193,048,983	281,887,185	164,356,266	329,708,806	407,056,219

Source: The Judiciary, Finance Unit

¹provisional

²other includes court, ushers and other miscellaneous fees

³revised

... not available

Table 9.1 - Staff of the Judiciary, Republic of Mauritius, 2010 & 2011

Job title	2010			2011		
	Male	Female	Total	Male	Female	Total
Chief Justice	1	-	1	1	-	1
Senior Puisne Judge	1	-	1	1	-	1
Puisne Judge	8	7	15	10	8	18
Master and Registrar	-	1	1	1	-	1
Deputy Master and Registrar	1	-	1	1	-	1
President, Intermediate Court (civil & criminal sides)	1	1	2	-	2	2
President, Industrial Court	1	-	1	1	-	1
Vice President, Intermediate and Industrial Courts	1	2	3	-	3	3
Magistrate Intermediate Court	3	8	11	6	5	11
Senior District Magistrate	6	7	13	2	11	13
District Magistrate	9	12	21	9	8	17
Secretary to Chief Justice	1	-	1	1	-	1
Chief Registrar	-	-	-	1	-	1
Senior Registrar/Regional Court Administrator	3	-	3	6	-	6
Adviser	3	-	3	3	-	3
Chief Court Officer/Court Manager	20	-	20	22	-	22
Principal Court Officer	29	-	29	31	-	31
Senior Court Officer	41	15	56	37	37	74
Court Officer and Trainee Court Officer	20	65	85	19	49	68
Chief/Principal Court Usher	10	-	10	10	-	10
Senior Court Usher/Court Usher	56	5	61	56	5	61
Senior Law Librarian/Law Librarian	-	1	1	-	1	1
Senior Law Library Officer	-	1	1	-	1	1
Law Library Officer/Law Library Assistant	-	6	6	-	6	6
Senior Transcriber	-	1	1	-	1	1
Audio Typist/Transcriber	-	8	8	-	7	7
Other Supporting Staff	105	100	205	102	106	208
Total	320	240	560	320	250	570

Table 9.2 - Private legal practitioners (practicing Barristers, Attorneys and Notaries), Republic of Mauritius, 2008 - 2011

	2008	2009	2010		2011	
			Male	Female	Male	Female
Practicing Barristers	365	392	307	148	347	158
<i>of whom:</i>						
<i>Queen's Counsel</i>	7	7	7	-	7	-
<i>Senior Counsel</i>	7	7	21	-	21	-
Practicing Attorneys	137	138	98	55	99	54
<i>of whom:</i>						
<i>Senior Attorneys</i>	8	8	18	1	18	1
Practicing Notaries	57	58	41	17	40	17

SUPREME COURT LIBRARY AND INFORMATION SERVICE

This report and the following are available at <http://supremecourt.gov.mu>:

1. The Laws of Mauritius
2. Judgments of the Supreme Court and the Privy Council
3. Judgments of the Master's Court
4. Judgments of the District Courts
5. Judgments of the Industrial Court
6. Judgments reported in the Mauritius Reports as from 1861
7. Acts, regulations and proclamations
8. Students' theses
9. Directory of the legal professionals
10. News of the Judiciary
11. Weekly cause lists of all courts
12. Links to law websites
13. Examination papers - Barristers/Attorneys/Notaries

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CALENDAR OF EVENTS 2011

14 January 2011

Courtesy visit on the Honourable Chief Justice by Hon Béatrice Brenneur, Mediator to the Council of Europe, Former President of Appeal Court, Founder and vice-president of *GEMME* (European Association for Judges), President of the International Conference of Judicial Mediation (*CIMJ*)

21 January 2011

Call Ceremony of 16 new barristers before the Full Bench of the Supreme Court

5 to 7 April 2011

Judicial Conference on International Arbitration and Alternative Dispute Resolution (*ADR*) organized by World Jurist Association in collaboration with the Judiciary of Mauritius held at the Grand Baie International Conference Centre

8 April 2011

Courtesy visit on the Honourable Chief Justice of the Ukrainian delegation attending the World Jurist Association Judicial Conference namely:

- 1) Mr Valeriy Yevdokymov, President of the World Jurist Association and Head of Lawyers Union of Ukraine;
- 2) Mr Anatoliy Kovalenko, Deputy of the Head of the Lawyers Union of Ukraine;
- 3) Mr Jo Somsin, Head of the High Qualified Commission of Judges of Ukraine
- 4) Mr L Fesenko, Head of the High Specialized Court for criminal and civil cases
- 5) Mr V Voitshyshen, Vice General Prosecutor

13 June 2011

Inauguration of the Mediation Division of the Supreme Court of Mauritius by the Honourable Chief Justice and Mr Omari Issa, Chief Executive Officer of the Investment Climate Facility for Africa, at Happy World House

17 June 2011

Courtesy call on the Honourable Chief Justice by Jessica Ong Siok Hong, Representative of Women's Federation for World-Peace in Mauritius

Courtesy call on the Honourable Chief Justice, by Professor Paul Romer of Stanford Institute for Economic Policy Research (*SIEPR*)

Courtesy call on the Honourable Chief Justice by Professor Robert Garron, Professeur Honoraire à l'Université Paul-Cézanne, Marseille

27 July 2011

Courtesy call on the Honourable Chief Justice by Judith Levine, Legal Counsel and Permanent Court of Arbitration (*PCA*) Representative in Mauritius

1 August 2011

Courtesy visit on the Honourable Chief Justice by Honourable Mohamed Chande Othman, Chief Justice of Tanzania and Mr Oliver Mhaiki, Permanent Secretary, Ministry of Constitutional Legal Affairs of Tanzania

12 September 2011

Courtesy visit of Mr Eric Bramat, respectively Chef de Cabinet, and Laurent Zuchowicz, Sous-Directeur des stages de l'Ecole de la Magistrature Française

16 September 2011

Courtesy visit of Julia Dolly Joiner, Commissioner for Political Affairs of the African Union Commission and Dame Julie Onum-Nwariaku, Chairperson of the African Union Advisory Board on Corruption

23 September 2011

Call Ceremony of 21 new barristers before the Full Bench of the Supreme Court

26 September 2011

Courtesy visit of Mr Patrick O'Connor, Chartered Arbitrator, Fellow of the Chartered Institute of Arbitrators and former Judge of the High Court of Kenya

7 October 2011

Courtesy call on the Honourable Chief Justice by Maitre Isidore Rusyikiri, Bâtonnier du Barreau du Burundi et Président du Centre d'Arbitrage et de Conciliation du Burundi

Courtesy call on the Honourable Chief Justice by Mr Alvaro Gonzalez Lead Economist at World Bank, Washington and Ms Haleh Bridi, Country Director of World Bank, Mauritius

2 December 2011

Visit of the delegation of the Supreme People's Procuratorate of the People's Republic of China, namely:

- 1) Mr SUN Qian, Deputy Procurator-General

- 2) Mr WANG Yanfei, Chief Procurator of the Ningxia Autonomous Region People's Procuratorate
- 3) Ms GE Xiaoyan, Chief Procuratorate of Najing City People's Procuratorate of Jiangsu Province
- 4) Mr RUAN Dansheng, Deputy Director-General of China Procuratorial Press
- 5) Mr LI Qingliang, Official of the General Office of the Supreme People's Procuratorate
- 6) Ms ZHIANG Xiaohan, Official of the International Relations Department of the Supreme People's Procuratorate

GLOSSARY OF TERMS

1. **Absolute discharge** is complete and unconditional release.
2. **Acquitted** is defined as a determination by the Court that a defendant is not guilty of the charge(s) on the grounds that the charge has not been proven and/or due to lack of evidence or no evidence given by the prosecution.
3. **Adjudicated is** defined as the outcomes of the judgment or decision by the Court as to whether or not the defendant is guilty of the charge(s) laid against him. These outcomes include: acquitted (dismissed), guilty finding and guilty plea.
4. **Assault** is physical attack against the body of another person.
5. **Burglary** is the unlawful entry into someone else's premises with the intention to commit a theft.
6. **Case** is one or more defendants against whom one or more charge(s) have been laid and which are heard together by a Court as one unit of work. The charge(s) usually relate to the same criminal incident.
7. **Community Service Order** is a sentence requiring an offender to perform unpaid Community work.
8. **Conditional discharge** is a sentence whereby an offender is released under certain conditions, e.g. regular reporting to police stations for a specified period of time.
9. **Contraventions** are defined as offences that are punishable by:
 - a) imprisonment for a term not exceeding 10 days;
 - b) fine not exceeding 5,000 rupees.
10. **Criminal case** is a case dealing with an offender indicted for an offence as defined by the law.
11. **Custodial Orders** are sentences imposed on a defendant that require detention, e.g. correctional or rehabilitation institutions, etc.
12. **Drug offences** are as spelt out under the Dangerous Drug Act 2000. They relate mainly to drugs like ganja, heroin, hashish, opium, cocaine and other psychotropic substances.
13. **Embezzlement** is defined as the wrongful appropriation of another person's property that is already in the possession of the person doing the appropriating.
14. **Fraud** is defined as the acquisition of another person's property by deception.
15. **Intentional homicide** is defined as death deliberately inflicted on a person by another person, including infanticide and abortion.

16. **Jurisdiction** is defined as the legal power or authority which may be exercised by a particular court level and within which the judgments or orders of the court can be enforced or executed. Each court level has its own defined jurisdictional limits.
17. **Juveniles** are defined as persons aged 12 to 17 years.
18. **Non-Custodial Orders** are sentences imposed on a defendant that do not require custody and include e.g. Community Service Orders, Probation Orders, Conditional or Absolute Discharge Orders, licence disqualification/suspension, etc.
19. **Probation Order** is a sentence whereby an offender is placed under the supervision of a probation officer for a period not less than one nor more than three years.
20. **Proven guilty** is defined as an outcome of criminal proceedings in which a court accepts that a charge is proven through a guilty plea entered by a defendant or the defendant is found guilty by the court. In the Magistrates' and Children's Courts, this includes defendants found guilty.
21. **Robbery** is the theft of property from a person, overcoming resistance by force or threat of force.
22. **Sexual offence** is defined as sexual intercourse or assault without valid consent.
23. **Theft** is defined as the removal of property without the property owner's consent.
24. **Non-adjudicated** is the formal withdrawal of charge(s) by the Prosecution (e.g. police, Director of Public Prosecutions or Attorney-General) or by the courts; it includes Nolle Prosequi and struck out.