



## MAURITIUS BAR ASSOCIATION

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**Bar Council – Chairperson:** PRISCILLA BALGOBIN-BHOYRUL  
**Secretary:** BISHAN RAMDENEY - **Treasurer:** A. V. CAROLYN DESVAUX DE MARIGNY  
**Members:** HARRY BANSROPUN, ROOBESH S. RAMANJOOLOO, NATASHA BEHARY PARAY & NIKHIL BOOLELL  
**Co-Opted Members:** NAVINA PARSURAMEN, JEAN MICHEL AH SEN & YATIN VARMA

28<sup>th</sup> June 2023

Dear Members,

The Bar Council has received complaints by a few of our members who have been prevented by some units of the police from having access to their clients, and otherwise hindered from performing their professional duties on the basis that they were allegedly conflicted, or more alarmingly, that criminal action may be levelled against them. We have also witnessed numerous examples of the increasingly strained relationship between the Bar and the Police, and deem the situation to be extremely serious. We condemn any attempt to intimidate Counsel in the exercise of their duties.

Amidst this regrettable climate, and despite prior attempts having been vain, the Bar Council will reiterate its requests to meet with the Commissioner of Police. The intent is to urge the CP to take action to ensure that:

- (1) barristers are not hindered in the discharge of their professional obligations,
- (2) the fundamental rights and freedoms of the individual, in relation to the protection of right to personal liberty and in particular, to consultation with a legal representative of their own choice as provided for by section 5(3) of the Constitution of the Republic of Mauritius be respected.

Further, insofar as it resonates with our local issues, the Council has decided to ratify the **Commonwealth Law Conference 2023 Goa Declaration on Preserving and Strengthening the independence of the Judiciary and on ensuring the independence of the Legal Profession by the Commonwealth Bar Leaders** which reaffirms the importance, in a democracy, of independent legal representation and of being heard before an independent court.

The Bar Council reiterates that the independence of the legal profession is fundamental to the preservation, promotion and safeguarding of the Rule of Law. Barristers should be free to perform their professional duties without threat, intimidation, hindrance, harassment or improper interference or influence. Any form of attack, threat, harassment or intimidation of lawyers and any hindrance or interference with their professional activities, from any quarter, violates international standards of fair trial and restricts access to justice for those who they represent. It is not acceptable for barristers to be threatened with criminal prosecution, civil action or sanctions in the discharge of their duties in accordance with professional and ethical standards.

Finally, and in line with discussions held with members of the Association in May, the Council will make the relevant representations for the adoption of the Police and Criminal Justice Bill (PACJA) given the urgency to address issues arising during criminal investigations/enquiries, as flagged to the Council by its members.

**Yours sincerely,**

**Priscilla Balgobin-Bhoyrul**  
**Chairperson of the Bar Council**