THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

"TO NO ONE WILL WE SELL, TO NO ONE DENY OR DELAY RIGHT OR JUSTICE"

-Chapter 40, Magna Carta

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The E-Newsletter

Editorial Team

Editor's Column

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A few weeks ago, diluvial rain flooded southern parts of our nation and reminded us, again, of our glaring vulnerability as the climate changes. We use the word 'again' not just to create a greater sense of emergency and urgency about the climate crisis but also because, two years ago, we had already written about the harmful effects of climate change in an article on the crime of Ecocide. As we wrote then, these effects are not necessarily our fault – being a tiny island nation- but rather that of larger countries or regions where industrial titans pollute selfishly and recklessly. These harmful acts are known to all - to *lilliputians* and *brobdingnagians* alike – and is now a truth universally acknowledged.

The United Nations Climate Change Conference (COP28) started yesterday, with renewed hopes for genuine solutions and world collaboration to avert the crisis. The COP28 is crucial but so is accountability - something that prosecutors of this country take seriously. Those contributing to this crisis should be held accountable. Notwithstanding other available legal avenues under international law, as we wrote in 2021, recognising Ecocide as a crime is a step towards accountability and ending impunity.

Two years later, our continued concern and recognition on this topic of critical importance, is renewed in this edition's lead article. Distinguished international law scholars Dr Misha Plagis and Jolein Holtz of the prestigious Leiden University write on *Mauritius's engagement with climate change in international law*. In particular, they deal with human rights implications, avenues for holding states or persons accountable and upcoming developments.

Hanna Sayed-Hossen writes on the *Law of the Sea*, a subject for which she has developed a renewed passion and shares some general pointers on the prosecution for maritime crimes. Devisha Vythelingum, a member of our Serious Fraud Unit, reviews the concept of bank confidentiality in light of the recent decision of the Privy Council in *Stanford Asset Holdings Ltd & Anor v AfrAsia Bank Ltd*. Nadia Dauhoo teams up with Sharfa Paurobally to review the thorny topic of consent in acts of sodomy between an adult man and an adult woman. In so doing, they discuss the applicability of the right to privacy as well as the right against discrimination and the implication of the recent Supreme Court decision in *Ah Seek and ors v State and ors*.

Deepti Thakoor, Jessie Asiriah, Yanish Jeerasoo and Shehzaad Neerooa update our readers on the latest happenings in the legal profession, including events and conference insights: *A Panel Discussion on Maintaining Public Confidence in the Criminal Justice System* – the first event held in creole and broadcasted live on our Facebook page; the Mauritius Bar Association's inspiring and visionary Conference on the *Future of Law*; and a workshop on the trending topic of *Cryptocurrency and Virtual Assets.*

Finally, we would be remiss if we were not to thank you for following us. This year has been quite interesting (not to say eventful). We are constantly looking for ways to improve our Newsletter and Facebook page. We welcome any suggestions or constructive comments. As we say goodbye to 2023, we thank our contributors for their time, talent, and expertise to our publication this year. A special thank you to our two distinguished experts, Dr Misha Plagis and Jolein Holtz, for sharing their invaluable knowledge and experience with us.

Since this will be this year's last edition, we wish you all a happy and prosperous New Year.

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ARTICLES

Mauritius's engagement with climate change in international law – current developments and additional outlooks

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Once again Mauritius was reminded of its vulnerability to climate change with floods this month. As the national Meteorological Services has previously pointed out, as an island State, Mauritius is especially susceptible to sea level rise, more frequent and intense extreme weather events such as cyclones and hurricanes, and more extreme changes in precipitation patterns. Something Mauritius itself has also voiced before international fora, such as at the **International Tribunal for the Law of the Sea (ITLOS)**, referencing '*the grave and urgent threat posed by the impacts of climate change*.' Due to this vulnerability, the question of climate change is not solely one of collective responsibility within the "*international community of States*", but is also one of an existential crisis and human rights crisis for its inhabitants. Indeed, human rights have been increasingly invoked to spur States to act with more urgency in protecting its people from the worst effects of climate change and to do so in conformity with their human rights obligations. Mauritius is certainly no stranger to this dynamic, and the government has declared it will interpret the Paris Agreement in light of other international legal instruments, including human rights, indicating the country's commitment to rights-based climate action.

Despite ongoing discussions around climate change at the international level, there is no specialised forum for dispute resolution in situations of non-compliance. The Paris Agreement is legally binding, and the main climate change law instrument. However, it is formulated in such a way that it leaves a large amount of discretionary space to States and, more vitally, it does not contain a binding non-compliance mechanism—only a Committee bestowed with a facilitative role. While there are discussions about the appropriateness of bringing environmental or climate change litigation before human rights fora, these spaces do provide an opportunity to bring the concerns of individuals or States before international judicial and quasi-judicial bodies. Although these bodies are often perceived

primarily as avenues for individuals to hold their own States to account, these fora also represent avenues worthy of consideration by national governments grappling with the effects of climate change that have a responsibility to their populations, especially when mitigation measures by other States are not taken or are inadequate.

Avenues for Holding Actors to Account

As the effects of climate change are increasingly being felt, there is an opportunity to move beyond the debate about the well-established science, and towards a discussion on accountability. The aims and goals are clear, but what avenues are open to States like Mauritius when other (often larger) States are not in compliance with international agreements? Based on recent successes, we highlight two potential avenues to pursue accountability. There are, of course, many others, such as the ongoing requests for Advisory Opinions at ITLOS and the International Court of Justice—both of which specifically focus on, and address questions regarding, the position of small island states. Mauritius is also involved in these processes, particularly at the ITLOS. While impactful, the climate crisis demands a strong sense of urgency as political will is lagging and greenhouse gas (GHG) emissions are still on the rise. Hence the decision to foreground human rights options that widen the possibilities to further progress towards responsibility for climate change.

UN: Human Rights Committee & the ICCPR

Mauritius has ratified both the **International Covenant on Civil and Political Rights (ICCPR)** and its Optional Protocol. This allows individuals, but also Mauritius in an inter-State complaint, to bring a non-binding but authoritative individual communication on the basis of human rights in front its monitoring body—the **Human Rights Committee**. While inter-State communications at UN treaty bodies are admittedly rare, they are not unheard of. In the context of climate change, the right to life (**Article 6 ICCPR**) and right to private life (**Article 17 ICCPR**) can be invoked, as well as requests for reparations such as restitution but also more future-orientated climate action. An example of such a climate case is the **Human Rights Committee's Torres Strait Islanders-case.**

In this case brought by the indigenous population of the Torres Strait Islands against Australia, petitioners held that Australia failed to adopt adaptation measures such as infrastructure to protect Torres Strait Islanders' way of life, homes, and culture from sea level rise (among other things). The Committee, in granting this part of the author's claim, argued that "the adverse consequences of [climate] impacts are serious because of their intensity or duration and the physical or mental harm that they cause" and that in that case "*the degradation of the environment may adversely affect the well-being of individuals and constitute foreseeable and serious violations of private and family life and the home*" (**para 8.12**).

While their claim was awarded on the basis of the right to private life and culture, spurring the Committee to award the adaptation part of the claim, the Committee did not find a violation of the right to life (**Article 6**). The latter can also be tied to the Committee not ordering Australia to increase their mitigation efforts, something the petitioners also demanded. The reason for failing to find a violation of the right to life was that petitioners according to the Committee had not proven there existed a "*real and reasonably foreseeable risk*" (**para 8.6**)—this even despite its 2018 General Comment on the right to life reiterating that climate change is one "*of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life*" (**para 65**). This particularly aspect of the case has received criticism, not in the least from some of the individual Committee members in their dissenting opinions. First, it is a very narrow understanding of a "*real and reasonably foreseeable risk*". Second, it is a failure to comprehend indigenous ways of life and the intrinsic relationship between land and natural resources on the one hand, and life on the other. Still, others note that the language of the Committee leaves the door ajar for future climate cases based on the right to life.

African Union: African Court and Commission & the Charter

As a member of the African Union and a party to the **African Charter on Human and Peoples' Rights (African Charter)** and the **Protocol Establishing the Court**, the procedures of the **African Commission on Human and Peoples' Rights (Commission)** and the **African**

Court on **Human and Peoples' Rights (Court)** are open to Mauritius. The Commission allows access to individuals, NGOs, and States, while the Court is only open to the State of Mauritius, as Mauritius has ratified the Protocol Establishing the Court, but not (yet) submitted the required **article 34(6) special declaration**.

As addressed elsewhere in the context of Mauritius, the African Charter is known for taking a broad approach to human rights protections. These include, among others, the right to a healthy environment as a collective right, which is highly relevant in addressing complex environmental and, therefore, potentially climate issues that severely affect the environment and the lives dependent on it. Invoking environmental rights before Africa's regional human rights and economic courts has been rather successful. Still, climate cases are rare, leaving potential room for further developments. The success of environmental cases can also be found at the regional level with the SERAC v Nigeria communication before the African Commission, and the Ogiek case before the African Court. Both cases dealt with the need to balance environmental and human rights concerns in relation to development projects and the exploitation of the environment. While these decisions were all initiatives brought by individuals, communities and NGOs, the African human rights system is also no stranger to, for example, the right to development being invoked in an inter-state setting, such as in DRC v. Burundi, Rwanda, and Uganda.

Upcoming developments

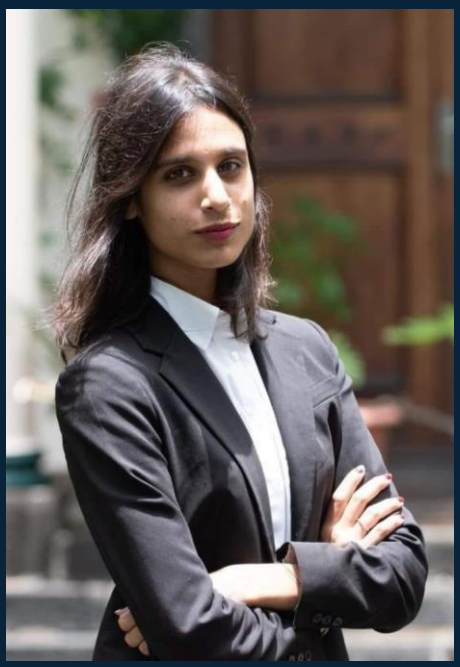
Despite our focus on more classic redress avenues, this short piece would be incomplete without mention of the current climate conference, **Conference of the Parties (COP)28**, which started on 30 November 2023. As a State Party to the UNFCCC and its Paris Agreement, Mauritius and other small island states have an important role to play. COP28 presents an opportunity: For the first time since the adoption of the Paris Agreement in 2015 —and most of its implementation guidelines in 2018—2023 will see the Global Stocktake (GST) come to fruition.

Mauritius's engagement with climate change in international law – current developments and additional outlooks (cont'd)

This is a process that takes place every five years and is designed to elevate the collective ambition of State Parties to reach the Paris goal of keeping global warming well below 2 degrees Celsius (C) and more accurately, to limit it to just 1.5C to avoid the worst effects of climate change. The GST will review the progress towards this goal based on a cumulative analysis of Parties' nationally determined contributions (NDCs). Its process is designed to not single out specific States for lagging behind but instead to reveal the ambition gaps to guide the new round of NDCs. This is a unique opportunity for States—and civil society—to engage in enhancing collective efforts to mitigate climate change. While the process is already well underway, the current COP is vital for the process as it will adopt a decision which will provide guidance and a way forward based on the GST results.

Once adopted, new, enhanced NDCs will be drafted to update Mauritius' current NDC, and this again poses an opportunity to engage with the UNFCCC process, to help ensure that Mauritius not only contributes to collective mitigation but additionally provides enough funds and policies to adapt to the climate change effects already happening, such as the floodings. Adaptation measures can decrease vulnerability of islanders to the more frequent and extreme weather events and should be devised considering the human rights of Mauritians as well as possible effects on biodiversity.

Therefore, despite recent floodings and increased warnings around the effects of climate change, there are also opportunities to push for better compliance with existing standards that aim to mitigate the increasing effects.



Hannah Sayed Hossen
State Counsel

Law of the Sea: Basic Concepts

While our island's land territory covers about 2040 square kilometres, its maritime territory impres-sively enough spans over 2.3 million square kilometres inclusive of its Exclusive Economic Zone. Considering this huge maritime territory, crimes occurring at sea are certainly an area of the law worth our consideration.

On land, the rules are quite straightforward. The relevant Mauritian authority will, subject to the legal framework applicable, have jurisdiction to act and investigate in the event of a crime being detected and prosecution can follow as in any other country where a crime is committed on its soil. At sea, the rules are different. What Mauritian authorities can or cannot do when there is reasonable suspi-cion that a vessel at sea is engaged in some sort of illegal activity will depend on three main factors namely the maritime zone involved, the nationality of the vessel and the nature of the suspected illegal activity. These three mentioned considerations will determine whether authorities may validly and legally board a vessel to search, seize and arrest. Interestingly, validly boarding a vessel does not automatically imply that prosecution in Mauritian courts can follow suit. But before turning to whether we can prosecute, let us briefly set out the delimitation of maritime zones under **United Nations Convention on the Law of the Sea ("UNCLOS**").

Maritime zones

Pursuant to **Article 3** of the **Maritime Zones Act 2005**, the **UNCLOS** has force in law in Mauritius. **UNCLOS** sets down ground rules in relation to, amongst other matters, delimitation of maritime zones. Maritime zones (for Mauritius, the relevant details can be found in the **Maritime Zones Act 2005**) are measured from the baseline, which does not mean the coast but is rather an imaginary line drawn as per established rules in **UNCLOS**, which goes beyond it. So, what are the maritime zones and how big are they?

1. Internal waters: These are the first in line when we leave the coast of Mauritius. They are described in **Article 7 UNCLOS** as "*waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State*."

These constitute of the smallest subset of maritime territory.

2. Territorial sea ("TS"): This extends up to 12 nautical miles("nm") from the baseline (about 22.2 km).

3. Contiguous zone ("CZ"): Beyond and adjacent to the TS, the CZ extends up to 24 nm from the baseline (so 12 additional nm from the end of the TS) and is a subset of the Exclusive Economic Zone ("EEZ")

4. The Exclusive Economic Zone: The EEZ extends up to 200 nm from the baseline.

5. The high seas: Waters beyond the EEZ.

Nationality of ships

As per **Articles 90 & 91 UNCLOS**, the right of navigation belongs exclusively to States and there-fore all vessels at sea need to have a nationality. This country, in this context, is referred to as the Flag State who grants nationality to vessels based on their own domestic legislation. As we will see later, the flag of a vessel is pivotal in deciding whether we can board a ship, in what circumstances and also for prosecution purposes. Of note, the absence of a flag when we look at a vessel does not mean that the vessel is stateless. For a lot of different reasons, a vessel does not display its flag at all times. What is required under UNCLOS is that the flag state can effectively confirm that the vessel has been granted nationality, has been registered and is not stateless.

What can be done in each of these maritime zones?

1.Internal waters: It is considered that the sovereignty enjoyed on land is extended thereat. Our harbour, for instance, is located within our internal waters. Therefore, if a crime occurs there, au-thorities may intervene as if same had been committed on land. Foreign vessels that wish to enter our internal waters must do so upon consent of the relevant Mauritian authority.

2. Territorial Sea: There is a cardinal rule within the TS of any country signatory to UNCLOS and that is the right of innocent passage

(**Section 3 UNCLOS**). This essentially means that any vessel can pass through our TS as long as the passage is innocent. **Article 17 UNCLOS** illustrates what would not be considered as innocent passage. This would for instance include any fishing activity or the exercise or practice with weapons of any kind or any threat or use of force against the sov-ereignty, territorial integrity or political independence of Mauritius. If Mauritius deems that a vessel is not exercising innocent passage but prejudicial passage, **Article 25 UNCLOS** states that it may take the "*necessary steps in its* TS" to prevent passage which is not innocent. In practice, this can include approaching, hailing, boarding and so on.

Now, the hot topic in the TS is what to do of foreign ships where we suspect illegal activity. The short answer to this is that **UNCLOS** does not permit the coastal state (Mauritius) to intervene on just any foreign ship assuming there is reasonable suspicion of illegal activity. **Article 27 UNCLOS** provides the circumstances when we are allowed to board without seeking the prior approval of the flag state. These are as follows:

"(a) if the consequences of the crime extend to Mauritius;

(b)if the crime is of a kind to disturb the peace of the country or the good order of the TS

(c)if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or

(d)if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances."

Assuming one of these exceptions above apply, then Mauritian authorities can validly board. How-ever, the flag state should be informed promptly of the boarding operation.

3. Contiguous Zone: In the CZ, authorities are empowered to enforce Fiscal, Immigration, Sani-tary and Customs laws (FISC) applicable in Mauritius if any violation of these laws were committed within our jurisdiction (including in TS) or to prevent violation of same if there is reasonable suspi-cion that if the vessel enters our TS, it will be in

violation of our FISC laws. As far as crimes are concerned, the regime of the high seas starts to apply beyond the TS and therefore within the CZ (we will see the rules in the high seas further down this article). It is only in relation to FISC matters that the State has additional enforcement options in the CZ.

4.EEZ: The EEZ is regulated by Part V UNCLOS and starts as soon as the TS ends (The CZ is a subset of the EEZ). In the EEZ, Mauritius has a number of rights, amongst which are, as per **Article 56 UNCLOS**, "*sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds*".

Because we have sovereign rights of exploitation of natural resources in our EEZ, this means that fishing activities cannot be undertaken without a valid fishing licence from Mauritian authorities. In Mauritius, a common violation of Mauritius' EEZ rights is illegal fishing, also referred to as IUU fishing which stands for Illegal, Unreported and Unregulated fishing.

5.The High Seas: The guiding principle on the High Seas is the freedom of navigation. Free does not however mean lawless. The rule as per UNCLOS is that we cannot board a foreign ship on the high seas. However, there is a very important exception to that which we will look at for the purpose of this article and this exception is referred to as the Right of Visit which is provided for under **Article 110 UNCLOS**.

The first and foremost information to be grasped is that the Right of Visit cannot be exercised against a warship/authorized government vessel. Secondly, the law of the sea does not provide for just any ship to exercise the right of visit. Only a warship or duly authorised government ship (and military aircrafts as well) can lawfully exercise this right. **Article 110 UNCLOS** provides for 5 exceptions which would allow a warship/authorised vessel to board:

"*(a) the ship is engaged in piracy;*

(b) the ship is engaged in the slave trade;

(c) the ship is engaged in unauthorized broadcasting and the flag State of the warship has jurisdiction under article 109;

(d) the ship is without nationality; or

(e)though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship."

Interestingly, narcotics trafficking is absent from this list while it features in the list of exceptions where Mauritius can board a foreign vessel in the TS (see **Article 27 UNCLOS** referred to above). Unless a vessel on the high seas is suspected to be involved in any of those 5 exceptions, we cannot therefore lawfully board that vessel. Undoubtedly, if a boarding was illegal in the first place, prosecution by the State whose warship boarded the vessel is out of the question.

A point about Article 58(2) UNCLOS

As was stated above and this may lead to some confusion, the sea beyond the TS is considered, as far as crimes are concerned, to be the high seas. Therefore, as far as crimes are concerned, the CZ and EEZ form part of the high seas and it is this regime which will apply when we are dealing with crimes beyond the TS. This is explained in **Article 58(2) UNCLOS** and was referred to in the case of **DPP v Ali Abeoulkader & ors 2015 SCJ 252** heard by our Supreme Court and which dealt with a piracy case which occurred in the EEZ of Somalia. While the argument advanced by the Accused parties was that the act of piracy had occurred in the EEZ and not on the high seas (it is a constitutive element of the crime of "*piracy*" for it to occur on the high seas), the Supreme Court pointed out that **Article 58(2) UNCLOS** is explicit in that the rules of the high seas will apply to the EEZ in as far as they are not incompatible with the EEZ regime. Therefore, the act of piracy was deemed to have been committed on the high seas and that element of the offence was deemed unproblematic.

Prosecution for maritime crimes: Some general pointers

Assuming authorities legally boarded a foreign vessel at sea, can Mauritian authorities always prosecute? The answer is No. **UNCLOS** establishes a number of rules again although this is obvi-ously subject to agreements that Mauritius may have with other countries involved. Whether we can prosecute or not depends on the maritime zone, the flag of the vessel and the suspected activ-ity, just like for boarding the vessel in the first place. Of note, states have universal jurisdiction to prosecution the crime of piracy provided that same is a crime in the domestic legislation (this is the case for Mauritius under the **Piracy and Maritime Violence Act 2011** which sets out piracy as a crime).

Although there are specific rules for some specific offences, and depending on agreements be-tween the States, the general rules under **UNCLOS** are that if a crime is committed in:

1.Internal waters: We can validly prosecute in our courts of law as this maritime zone is con-sidered as an extension of our land territory (there are some rare exceptions to this).

2.TS: The rule here is that the flag state has primary jurisdiction in our TS. If Mauritius wishes to prosecute, we need consent from the flag state. However, if we boarded a foreign ship based on the 4 exceptions contained in **Article 27** UNCLOS and such activity is indeed substantiated, we do not require permission from the flag state to prosecute although we have a duty to inform the Flag state.

3. CZ: Mauritius can prosecute offenders for violation of FISC laws.

4.EEZ: Mauritius can validly board, inspect, arrest and prosecute offenders for violation of EEZ laws as per **Article 73** UNCLOS. Of note, sanctions cannot include custodial sentences here and can only take the form of pecuniary punishment (unless there is an agreement with the Flag State).

5.High seas: As stated above, we are here considering that beyond the TS, we enter the high seas, unless rules of the high seas are incompatible with existing EEZ rules. The rule on the high seas is that jurisdiction belongs to the Flag State unless authorisation is given by

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the flag state for Mauritius to prosecute the criminals. Authorisation to board on the high seas must be sought from the Flag state before boarding. Of note, the Right of Visit under **Article 110 UNCLOS** gives a vessel the right to board and not to prosecute and authorization from the Flag State is not required before exercising the Right of Visit.

Maritime crimes take a different forms and as can be understood from the above, the power to board a vessel at sea does not entail an automatic right to prosecute. There are also a variety of other conventions, the objectives of which are to provide specific rules to effectively combat maritime crimes, which also come into play at sea. This would include the Vienna Convention 1998 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the SUA Convention (Suppression of Unlawful Acts against the safety of Maritime Navigation) and so on. Several of these conventions deal with specific maritime crimes such as pollution at sea, piracy, armed robbery, maritime terrorism, drug trafficking, human trafficking, smuggling of migrants and so on. Boarding a vessel is only the first phase of combating maritime crimes. Same has to be carried out in accordance with existing legal frameworks so that offenders can be held to account for crimes committed within our waters.

Can banks still keep a secret?

Deeply embedded in every banker-customer relationship, a bank's duty of confidentiality is one of its most vital and significant obligations. Once thought to be a moral responsibility, this duty of confidentiality became a legal obligation in 1924 with the English case of **Tournier v National Provincial and Union Bank of England [1924] 1 KB 461** (decided by the Court of Appeal). Tournier occurred at a time when crime was a local phenomenon. With the advent of transnational crimes, banks' veil of secrecy has become an attractive tool for criminals to hide behind in order to commit illegal activities The seemingly robust duty of confidentiality has since then been diluted by the overwhelming exceptions imposed through common law and legislations addressing money laundering, tax evasion, drug trafficking and fraud amongst others. One of the latest examples is the **Privy Council case of Stanford Asset Holdings Ltd & Anor (Appellants) v AfrAsia Bank Ltd (Respondent) [2023] UKPC 35**.On 17th February 2022, USD 11.145 million was transferred from the Appellants's bank account at AfrAsia Bank Ltd in Mauritius to the account of Key Stone Properties Ltd at the same bank, with some of the money being then moved into the accounts of unknown third parties. The Appellants applied to the Supreme Court of Mauritius seeking an order for the bank to disclose information relating to the identity of the recipients of the misappropriated funds under **sections 64(3)(h) and 64(10)** of the **Mauritian Banking Act 2004** ('the Act') and/or under the Norwich Pharmacal principles.

A Norwich Pharmacal order is used where a victim of wrongdoing does not know the identity of the wrongdoer but an innocent third party has certain relevant information which may assist the victim in order for the latter to recover his/her losses. The Court then retains the discretion to grant the relief so as to allow the information to be imparted to the victim. In the present case, the Norwich Pharmacal order was being asked to trace the identity of the persons who appropriated the relevant funds.

The Supreme Court however dismissed the application holding, firstly, that there was no power to make a disclosure order in favour of a

Can banks still keep a secret? (cont'd)

private party to intended civil litigation under the Act; secondly, that the Norwich Pharmacal relief could not be granted because the Appellants had alternative remedies available to them, and there were parallel ongoing investigations by criminal law enforcement agencies such as ICAC and the Central Crime Investigation Division (CCID). Standford appealed to the Privy Council and on 10th October 2023, the Board allowed the appeal. It granted relief requiring the Respondent to provide information to the Appellant in relation to the unidentified third parties.

In reaching its decision, the Court explained that the disclosure order would not be in conflict with the duty of confidentiality under the Act because it would fall within an exception applying to civil proceedings, which would not be in conflict with the bank's common law confidentiality duties. It went on to clarify that though section 64 of the Act imposes a duty of confidentiality, that duty arises at common law and there should therefore be no difficulty about giving effect to a common law exception to it, that being the Norwich Pharmacal order. Notably, it considered that the purpose of the statutory regime could not be read as preventing Courts from exercising their power to assist victims of fraud unless a high threshold is crossed. Though the jurisdiction is an exceptional one due to the fact that it requires an innocent third party to supply information to a party to whom they owe no duty, it does not mean that it will only be appropriate for the relief to be granted when all the conditions had been satisfied.

Significantly, the Court highlighted that civil remedies could be granted notwithstanding parallel criminal proceedings, thereby rejecting the Supreme Court's reasoning. The reason being that the interests and priorities of criminal law enforcement agencies are unidentical to those of victims of alleged fraud seeking to recover their assets, and their limited jurisdiction coupled with their statutory powers render their role ineffective especially when the stolen funds had been removed from the jurisdiction.

The Privy Council decision strikes a balance between the rights of a bank's customer and those of victims of fraud who have limited resources to trace stolen funds but through disclosure by the bank, particularly where a potential wrongdoing has been identified.

Terming it as an appropriate and proportionate assistance to victims of fraud, the Privy Council even went further by communicating its summarised decision on the 6th July 2023 before the full judgment was even pronounced and delivered in October 2023 to enable the Appellants to trace their money expeditiously. It recognises that the duty of confidentiality is not an absolute one but has qualifications, with the Norwich Pharmacal order being a separate and distinct exception from those under section 64 of the Act.

Several aspects of the judgment are relevant beyond the Mauritian context and likely to influence Courts considering applications for Norwich Pharmacal and Bankers Trust orders. Significantly, the Privy Council case concerned an application to the Supreme Court of Mauritius for a disclosure order against a bank situated in Mauritius. The Board remained silent on the possibility of similar relief in (future) cases against a bank outside the jurisdiction. The approach then would be seemingly more prudent and would probably have to fall within those exceptional circumstances if an order were to be granted.

In the recent case of **Scenna v Persons Unknown and Others [2023] EWHC 799 (Ch)**, the English High Court set aside a Bankers Trust disclosure order made against two Australian banks which required them to disclose information to the claimants on two of their Australian customers. In deciding whether to grant the order, the Court considered the five criteria set out in **Kyriakou v Christie Manson and Woods Ltd [2017] EWHC 487 (QB)**:

(a)There must be good grounds which show that the property in respect of which the disclosure is sought belongs to the applicant;

(b)There must be a real prospect that the information sought will lead to the location or preservation of the relevant property;

(c) The order should not be wider than necessary;

(d)The interests of the applicant in getting the disclosure must be balanced against those of the respondent; and

(e)Appropriate undertakings must be given in respect of the use of the disclosed information and/or documents.

Can banks still keep a secret? (cont'd)

In Scenna, the main criterion in issue was the balance between the interests of the applicant and the respondent. In conducting the balancing exercise, the Court considered that there was a risk that the Australian banks would be in conflict with or in breach of their own local law should the order be granted, resulting in their financial and reputational damage. The Court also noticed that an alternative remedy was already available to the claimants due to the fact that the Australian banks confirmed that they would not oppose the application for a disclosure order if it were made by an Australian Court.

The Scenna case is in stark contrast with **LMN v Bitflyer Holdings Inc [2022] EWHC 2954 (Comm)** in which the English High Court granted a disclosure order against various foreign cryptocurrency exchanges. The case however remained a stand-alone one compared to the approach taken by the Courts in the above ones due to the fact that the location of the relevant documents was unknown, such that the applicants did not know in which jurisdiction to make an application for a disclosure order. As per the Court, it would have been contrary to the interests of justice and impractical to require victims of fraud to make speculative applications in different countries This is a factor different from the LMN case in which it was known that the information sought was in Australia.

Exceptions to disclosure orders beyond those specified within a statute have certainly led to the erosion of the duty of confidentiality by banks and seem to evolve with changes in public interest. Whilst jurisdiction, alternative remedies and knowledge of the location of the information sought seem to be additional relevant factors taken into consideration by some Courts, it remains irresolute whether the Privy Council would have reached the same reasoning in the Standford case if a foreign bank was involved and there was a real risk that the order would be in breach of that bank's local law. Though this might conceivably be resolved with an ensuing judgment, it remains undoubtedly clear that victims of fraud would be proportionately assisted by Courts in certain circumstances to the detriment of a bank's confidentiality duties to their customers.

Article by Ms Devisha Vythelingum, State Counsel

Consent, sodomy and constitutionality

Sharfa Paurobally
State Counsel

On 4th October 2023, the Supreme Court of Mauritius delivered a landmark judgment in the case of **Ah Seek A.R.F v The State of Mauritius** followed by **Fokeerbux N.A & Ors v The State of Mauritius** on the same day. The Supreme Court held that **section 250(1)** of the **Criminal Code**, which criminalised sodomy, is unconstitutional as it violates section 16 of the Constitution as regards consensual acts of sodomy between male adults in private. While this pivotal development clearly settles the position as regards consenting male adults, it has also brought to light the intricate question of whether the act of sodomy between consenting female and male adults is still subject to criminal sanction and if so, is this discriminatory? This article will discuss the potential constitutional challenges and implications which may be involved, notably the right to privacy and the right to discrimination.

Right to privacy – Mauritius

The right to privacy in Mauritius is enshrined in **sections 3(c) and 9(1)** of our **Constitution**. **Section 3(c)** entails the right of the individual to protection of his home and other property and from deprivation of property without compensation without any discrimination. **Section 9** of the **Constitution** provides protection from a search of one's person or property or by entry by other on his premises. These rights are not absolute. As a matter of fact, a literal reading of **section 3** gives the impression that the right to privacy in Mauritius is restricted to one's home and property and does not extend to the physical privacy of a person. This was pertinently observed in the landmark judgment of **Madhewoo v The State 2015 SCJ 177** wherein the Supreme Court held that "***section 3*** *does not therefore contain words or terms which confer a right to the privacy of the person and which may encompass any protection against the taking of fingerprints from a person*". Before dwelling on this aspect, it is apposite to consider the stance taken on the international platform, especially the European Court of Human Rights.

Consent, sodomy and constitutionality (cont'd)

The right of privacy as embedded in the **European Convention on Human Rights (ECHR)**, notably at **Article 8** is broader and covers the right to respect an individual's home but also his private and family life and his correspondence. The article in question must be interpreted in accordance with the **European Court of Human Rights**' jurisprudence. It was stated in the case of **S. and Marper v. the United Kingdom - ECHR applications nos. 30562/04 and 30566/04 [GC]** - that the definition of private life may "*embrace multiple aspects of the person's physical and social identity*". ECHR jurisprudence shows that the court can determine the compatibility of police searches from the perspective of the "*right to private life*". (**Vinks and Ribicka v. Latvia, para 92; Yunusova and Yunusov v. Azerbaijan (no. 2), para 148)**. It is also apposite to refer to the cases of **A.D.T v the United Kingdom (ECHR application no. 35765/97)** and **Dudgeon v the United Kingdom (ECHR application no. 7525/76)** wherein it was found that there was a non-justified interference with the right to private life where sexual acts were made in private between consensual adults.

These are interesting cases and a brief summary of the facts would help the reader to know what was the interference and why the court found it was not a justified one.

It is thus well settled from the above that consensual sexual acts inevitably engage the right to privacy of the individual. One may wonder whether this right is adequately protected in light of the restrictive formulation of **sections 3 and 9** of our **Constitution**, the more so since our **Constitution** provides for protection against discrimination based on a number of exhaustive factors. The question is legitimate and the answer is in the affirmative.

Sections 3 and **9** must not be given a literal approach. As far as the applicability of **section 3** is concerned, the Supreme Court in **Ah Seek** (supra) has referred extensively to international pronouncements, including the implication and applicability of **The International Covenant on Civil and Political Rights ("the ICCPR")** before coming to

the conclusion that sex should be read as including sexual orientation. Furthermore, **section 9** was considered in the case of **Madhewoo** (supra) and the Supreme Court concluded that "*the protection is obviously not limited to a search of the whole body of a person and any undue intrusion or any examination or inspection of any part of the body of a person would … fall within the purview of a search of a person*". It is clear from the judgment of **Madhewoo v The State**, that interference with the privacy and physical integrity is protected under **article 9(1)** of the **Constitution**. Now, it follows that "*body*" should be read as including both the physical and physiological integrity. As such, the Court can determine the compatibility of police searches during the investigation of alleged sodomy offences between consenting adults not just from the perspective of the "*right to home*" or the "*right to family life*", but also from the perspective of the "*right to private life*".

This being said, notwithstanding the locus standi as regards same sex couples, it can arguably be said that criminalising acts of sodomy between consenting adults also engages the right to privacy. Now, if protection is being extended to consenting male adults, it only follows that the same protection should be afforded to all consenting adults, irrespective of sexual orientation. This leads us to the right against discrimination which is considered below.

Right against discrimination

Section 16 of our **Constitution** protects against discrimination and the section contains the protected categories as **section 3**, notably race, caste, place of origin, political opinions, colour, creed or sex. As mentioned above, the Supreme Court in **Ah Seek** has already adjudicated that the word '*sex*' includes sexual orientation. Since the decision in Ah Seek, acts of sodomy between consenting male adults are not criminal. The judgment did not decide similar acts between consenting male and female adults. Would the criminalisation of these acts be equally unconstitutional? The case of **Ah Seek** has undoubtedly altered the legal landscape of Mauritius more than one can think.

Consent, sodomy and constitutionality (cont'd)

Even though a pronouncement is yet to be made on this subject, it only follows that the same legal reasoning would apply to hetero sexual couples. Should consensual acts of sodomy between a man and a woman not benefit from constitutional protection then it would only mean that a discriminatory treatment is being given to such couples based on their sexual orientation. Alternatively, it would be discriminatory because the crime of sodomy only punishes the man in that relationship as opposed to both man and woman. That would amount to gender-based discrimination.

The case of **Ah Seek** (supra) is undoubtedly a landmark judgment which has grabbed the attention of various stakeholders but it has also brought to light the intricate question of whether acts of sodomy between consenting female and male adults is discriminatory in light of the new approach to consenting male adults. As discussed above, both the right to privacy and the right against discrimination will potentially apply.

Article written by Nadia Dauhoo, Ag. Assistant DPP and Sharfa Paurobally, State Counsel

Events

DPP elected on Executive Committee of the International Association of Prosecutors

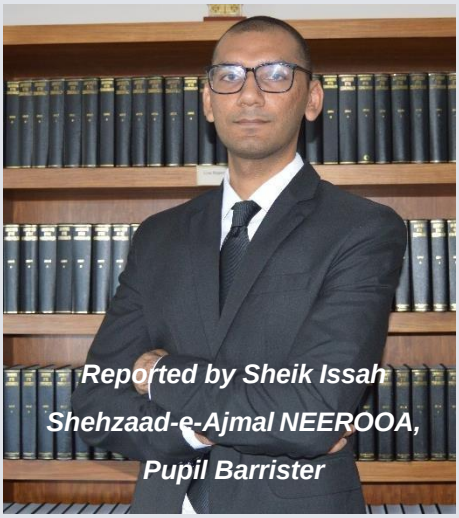
Mr Rashid Ahmine was recently elected on the Executive Committee of the International Association of Prosecutors (IAP) for the period 2023 to 2024. The IAP, which is a non-governmental and non-political organisation, is the first and only world organisation of prosecutors.

It was established in June 1995 at the United Nations offices in Vienna due to the rapid growth in serious transnational crime, particularly drug trafficking, money laundering and fraud. The need was perceived for greater international co-operation between prosecutors and for greater speed and efficiency in mutual assistance, asset tracking and other international co-operative measures. The IAP promotes and safeguards the role of prosecutors in maintaining and advancing the rule of law to deliver fair and just outcomes.

Mr Rashid Ahmine met with Mr Max Hill, KC (DPP for the United Kingdom and also a member of the Executive Committee of the IAP)

MAINTAINING PUBLIC CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM

Hosted by the Office of the Director of Public Prosecutions in collaboration with the Mauritius Bar Association.



Reported by Sheik Issah Shehzaad-e-Ajmal NEEROOA, Pupil Barrister

On the 9th of November 2023, the Office of the Director of Public Prosecutions (ODPP), in collaboration with the Mauritius Bar Association, had the privilege of hosting a panel discussion on "*Maintaining public confidence in the criminal justice system*." The ODPP was honoured to have in attendance, Their Excellencies, Mr Barlen VYAPOORY, GOSK and Mr Raouf BUNDHUN, GOSK, two former Vice Presidents of the Republic of Mauritius. Eminent members of the legal profession, regulatory bodies, non-governmental organisations and the media were also in attendance.

The discussion revolved around the perception of the criminal justice system (CJS) in the eyes of the general public and measures that may be taken to address the declining confidence of the public in the CJS. The discussion was mainly conducted in Creole and live streamed on Facebook, with the intention of fostering inclusivity and to engage a wider audience. The panel consisted of:

(i)Mr. Vinod BOOLELL, former Judge of the Supreme Court, former president of the United Disputes Tribunal and former Chief International Judge for the United Nations Missions in Kosovo.

(ii) Mrs. Ah Fong Chui Yew CHEONG, former Judge of the Supreme Court, former Director of Public Prosecutions and former Chairperson of the Institute of Judicial and Legal Studies.

(iii) Mrs. Narghis BUNDHUN, Senior Counsel and former Chairperson of the Bar Council.

(iv) Mr. Rashid AHMINE, the Director of Public Prosecutions.

Mr. Boolell's speech addressed the public's perception of the CJS and the main reasons behind their lack of confidence in the system. He enunciated three main reasons regarding why faith in the CJS is waning. Firstly, certain investigations are perceived to be done in opacity. Secondly, Mr. Boolell took note of the inordinate length of time for investigations to be completed by the police. Finally, he also deplored the delay in the delivering for judgments. In conclusion, Mr. Boolell advocated for transparency and accountability within the CJS.

MAINTAINING PUBLIC CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM

Mrs. Cheong mentioned that the CJS is made up of three key institutions. These institutions are:

i. Law Enforcement Agencies.

ii. The Courts

iii. Correctional and Reform Institutions.

She argued that public confidence in the system can only be maintained if the following norms and values are upheld by the abovementioned institutions:

i. Fairness of the proceedings within a reasonable time as enshrined at section 10 of the Constitution;

ii. Independence of the Courts and Tribunals; and

iii. Impartiality of the Courts and Tribunals.

To give effect to these values, Mrs. Cheong submitted that due process of the law is required. In other words, adherence to legal rules and principles is of utmost importance. She urged the relevant institutions to embrace modernisation and the digital era. She proposed specific steps to address the shortcomings of the CJS, including the need for collaboration, training and technological integration to ensure that the CJS aligns with the demands of the 21st century.

Mrs. Narghis Bundhun, SC then expounded mainly on the role of private barristers in the administration of criminal justice. She reminded the audience that the role of private barristers is to assist the accused or victims in the judicial process. However, the Senior Counsel warned that a barrister should not be solely driven by the interest of his/her client. The fundamental duty of a barrister remains to the Courts in the administration of justice. She emphasised that all barristers are bound by the Code of Ethics for Barristers. She made reference to Article 2.3(a) of the Code, which states that a barrister shall not engage in conduct, whether in pursuit of his profession or otherwise which is: (i) dishonest or otherwise discreditable to a barrister; (ii) prejudicial to the administration of justice; or (iii) likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession into disrepute;

She also advised barristers to refrain from providing statements to the media in the pursuit of glory. Otherwise, a barrister may inadvertently disclose vital elements of his/her case to the detriment of the client's interest. Ultimately, she stressed that barristers must always act in accordance with the Codes of Conduct and the Constitution.

MAINTAINING PUBLIC CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM

Mr. Rashid Ahmine's intervened on the crucial elements required for a trustworthy CJS. He highlighted the need for an efficient system, enunciating criteria such as independent investigation and trial processes that respect the rights of both suspects and victims. The foundation of an effective CJS lies in an "État de Droit" (rule of law), ensuring fundamental rights, separation of powers and fairness. Lack of public faith in the system leads to detrimental consequences, such as victims ceasing to report cases or reluctance to participate as witnesses or whistleblowers.

Mr. Ahmine stressed on the pivotal role of independence, advocating for the independence of each actor within the CJS. Consistency in the CJS was stressed as being decisive for independence. Inconsistencies cast doubts on the system's credibility. Mr. Ahmine emphasised on the importance of instilling confidence in victims, advocating for a Victims' Charter and better treatment of victims within the CJS.

The DPP insisted on the importance of a unified objective among the different actors in the CJS and encouraged engagement and interaction within legal boundaries for an effective and trusted system.

The event concluded with expressions of gratitude to panelists, attendees and contributors as well as the Press. Overall, the event served as a platform for robust discussions, aiming to enhance the transparency, efficiency, and trustworthiness of the CJS.

The Future of the Law

In the future, will artificial intelligence “AI” replace human judges?

In a world driven by a rapidly evolving technology, this is surely one of the questions which comes to mind when you hear the “*Future of the Law*”.

On Friday 24th November 2023, the Mauritius Bar Association organised its annual conference centered around this theme. The conference was attended by some 300 lawyers from across the profession. Panelists intervened in person and online.

Panelists looked at the Future of the Law through three axes: civil, international and criminal law.

The key takeaway from the civil law panel was that mediation should not be seen merely as an “alternative” way to resolve disputes but had enormous potential for resolving civil disputes. The international law panel discussed how international norms set by ‘powerful economies’ had a direct domestic impact on small countries like Mauritius.

Coming to the pertinent question of whether AI will replace judges, Professor Susskind, who delivered the key note speech from London, explained that AI helps us provide a better service to our clients. People want to find a solution to their disputes just like patients want to have their health restored. Surgeons, through the use of AI, can perform better non-invasive therapies to alleviate patients and reduce pain. In the same vein, AI can help a lawyer predict the outcome of a case and better advise a client. AI should be used as a tool to help legal professionals do their job more efficiently rather than replacing the legal profession.

Imagine what a criminal case could look like in the future. Bora Erden showed us a 3D representation of a scene of crime with a 360 panoramic view. The software allowed a judge to zoom in and out and live the crime scene as if he was there. This technology had been used in the International Criminal Court.

What if the Future of the Law, also, included alternative ways of investigation? Libby McAvoy gave insights on third party tools which could be used to produce output from open source digital information archives available from social media and web mapping platforms. She acknowledged that there were challenges to considering open-source information as evidence since open source information lacks the traditional initia of authenticity, coming from anonymous accounts. She, however, showed how organisations such as Mnemonic could help in the verification of such information and do reality testing of the information, do metadata analysis and answer the question as to whether the technical data matches the claim. The Berkeley Protocol on Digital Open Source Investigations was in fact developed to provide international standards and guidance for investigators.

Can the prosecution one day use these 3D models and present a crime scene at the time the offence allegedly occurred, all reproduced from data gathered from the crime scene during investigation? We can only dream and aspire to use the latest technology to do our job efficiently.

The intervention of Mr R Ahmine, the Director of Public Prosecutions, focused on the how technology can help us develop a more resilient criminal justice system. He started off by showing us a cartoon picture of two Spider-Man looking characters, one dressed as a judge and the other as a prisoner, with a device in his foot.

You must be wondering what Spider-Man has to do with lawyers. Well, did you know that the inspiration for the electronic monitoring device, in bail, came from Spider-Man?

Judge Love, in the United Stated in 1977, was reading The Amazing Spider-Man comic and the villain, Kingpin, put a handcuff around Spider-Man's wrist which meant that the villain could track and follow Spider-Man's steps anywhere. Judge Love thought why can't the same technology be used to monitor suspects. And the rest, as we say, is history.

Using the ratings from the Global Organized Crime Index, Mr Ahmine also showed that Mauritius' ability to tackle crime, with a resilience score of 5.54, was not far from its criminality score of 4.37, as compared to Finland which has a criminality score of 2.98 and a resilience score of 8.63. We should therefore focus on improving our resilience if we want to effectively curb our crime rate.

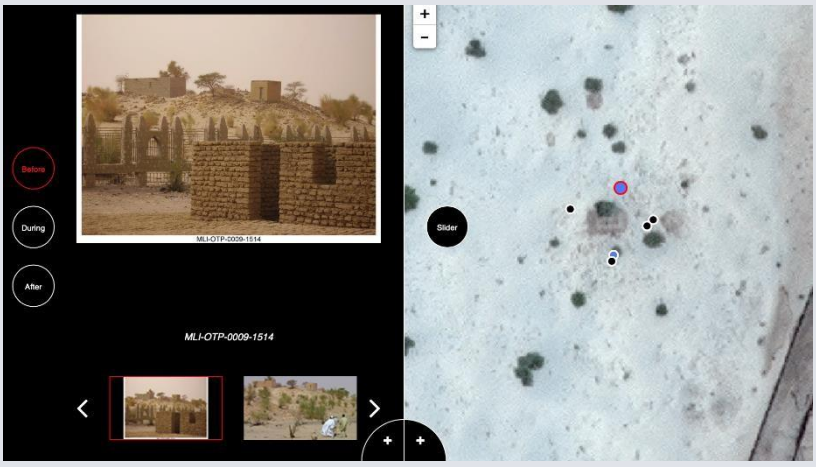
The use of AI and prosecution led investigation accompanied by appropriate legislative reforms in this area is what the DPP foresees the Future of the Law to be. He advocated for a Future of the Criminal Justice System which is more efficient, resilient and where delays can be curtailed by the effective use of supportive and replacement technologies, such as the use of digital transcription system, video and multi-screen display, multimedia presentation, visual presenters and visio-conferencing. He also pressed for the implementation of a system where one could plead guilty online (e-plead guilty) and e-judiciary for criminal matters such as the UYAP system in Turkey. Criminal mediation and case management rules would also be part of the way forward.

Of note, the DPP highlighted that the office would launch the e-brief system in Jan 2024 which would facilitate the application and communication of briefs to defence counsel.

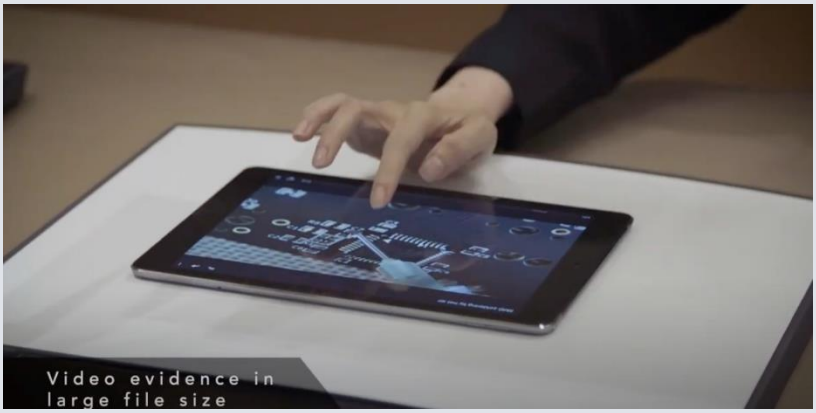
The Future of the Law

Mr G. Glover, SC, ended the third and final panel of the conference on a reality check regarding public confidence in the criminal justice system. He reminded members present that before we consider the latest technologies, we should first ensure that we have the basic tools to work with. He emphasised on the importance of the engagement of all stakeholders in order to enhance and modernise the criminal justice system.

We wish to extend our appreciation to the Mauritius Bar Council for all their efforts in organising such an enriching and thought-provoking conference.



*In picture **above** Bora Erden demonstrated the use of a digital platform to present evidence in court and **below,** the use of the Visualizer system in Singapore*



Reported by Jessie Assiriah and Deepti Thakoor

Exploring the nexus between Cryptocurrency and Money Laundering

The Office of the Director of Public Prosecutions, under the initiative of Ms Princilla Veerabudren Ag SADPP of the Serious Fraud Unit, organised a talk on "Cryptocurrencies" on November 29, 2023. Mrs Preeya Rughoonundun, Assistant Director of the IRSA, was the keynote speaker and she delivered an introductory and interactive session aimed at exploring the intricacies of the ever-evolving nature of cryptocurrencies, the rise in cryptocurrency-related money laundering activities worldwide and the legal framework directed at mitigating those risks.

During the last decade, the rise of cryptocurrencies has transformed the financial landscape. The biggest appeal of such a technology is that it offers decentralised, cross-border, pseudonymous and anonymous transactions. Of note, in 2013 there was only around 66 distinct cryptocurrencies whereas as of now, it is estimated that more than 20,000 cryptocurrencies have come into existence.

First of all, a Virtual currency is defined by the FATF as being a digital representation of value that can be digitally traded and functions as (1) a medium of exchange; and/or (2) a unit of account; and/or (3) a store of value, but does not have legal tender status (i.e., when tendered to a creditor, is a valid and legal offer of payment) in any jurisdiction. It is not issued nor guaranteed by any jurisdiction, and fulfils the above functions only by agreement within the community of users of the virtual currency.

The FATF further defines Cryptocurrencies as being a form Decentralised Virtual Currencies which are distributed, open-source, math-based peer-to-peer virtual currencies that have no central administrating authority, and no central monitoring or oversight.

The advent of such a technology which focuses on increased privacy of decentralised transactions has created opportunities for nefarious actors to exploit the system for money laundering activities. The main reason being that cryptocurrency transactions is conducted through a ' wallet' which is merely associated with a cryptographic address rather than personal identities. This therefore renders it difficult to link transactions to specific individuals. Furthermore, the cross-border nature of such transactions made it even more complicated to track funds across multiple jurisdictions.

However, transactions of such nature can also be conducted through Virtual Assets Service Providers. These are entities which are commonly known as 'Cryptocurrency Exchanges' that conduct financial activities involving virtual assets on behalf of its clients. The FATF has recommended that Virtual Assets Service Providers should be subject to the same stringent AML/CTF and KYC requirements as traditional financial institutions. The implementation of such robust customer identification is ultimately aimed at detecting and deterring any form of illicit activities.

In Mauritius, the Virtual Asset and Initial Token Offering Services Act 2021 was promulgated and came into force on 7 February 2022. It aims at providing a legislative framework for Virtual Assets Service Providers in line with the international standards of the FATF in order to manage and mitigate money laundering risks.

In order to further enable the tracing out of virtual transactions, numerous analytics tools have been developed to enable investigatory bodies to follow the cryptocurrency trail. Notable examples are Chainalysis, CipherTrace and Elliptic. These analytic tools typically work by using algorithms to trace the flow of funds through the blockchain in order to link particular transactions to specific addresses or wallets.

The metaverse is another aspect of this virtual ecosystem that is now emmeshed with cryptocurrency transactions. The metaverse is a 3D digital space which uses virtual and augmented reality to allow people to have life-like experiences online. It means different things to different people. By 2023, the development of the metaverse has gone beyond gaming. Whilst some use it to play games online, others use it for work purposes. Companies can use it to have meetings in a digitalised space, enhancing interconnectivity, all by allowing the people concerned not to physically move to enable so.

In a metaverse, one creates an avatar which bears resemblance to oneself and acts as a representation of oneself online. As a reflection of the real world, the metaverse needs a way to transact in the virtual one, in the form of virtual currency. To that end, non-fungible tokens and cryptocurrencies, which are based on blockchain technology, are used as a means of exchange in the metaverse to purchase and sell goods and services. Although these transactions can be virtual, acquiring virtual currency is as a result of a purchase or sale transaction with real money. As such, cryptocurrencies are used to buy lands, clothes, organise events amongst others in the metaverse.

Significantly, your identity and assets in the metaverse are linked directly to your cryptocurrency wallet. Hackers are unlikely to succeed in acquiring your identity and assets unless your paraphrase (seed) or wallet key have been shared publicly. Moreover, as these transactions are public, it becomes difficult to falsify them.

Mrs Preeya Rughoonundun, Assistant Director of the IRSA (left) and Ms Anjaleedevi Ramdin, Deputy DPP (Right)

Mrs Preeya Rughoonundun, Assistant Director of the IRSA

“We have the choice to use the gift of our life to make the world a better place — or not to bother.”

- Dr. Jane Goodall, DBE
Anthropologist