

## **Asset recovery (MLA) Mauritius**

### **1. How to seek a request for a restraining or confiscation order?**

A formal request complying with Mutual Assistance in Criminal and Related Matters Act 2003 (MACRMA) must be submitted to the Central Authority of Mauritius.

The formal request must identify the asset(s), the suspect(s) and all related entities through which the accused may hold property including companies, businesses, trust in the name of himself or his/her family members.

### **2. Foreign request for restraining order**

- The Central Authority of Mauritius may apply to a Judge in Chambers for a restraining order where there are reasonable grounds to believe that the proceeds of the crime are located in Mauritius upon a request made by a –
  - (a) a foreign State or an international criminal tribunal requests the Central Authority of Mauritius to obtain the issue of a restraining order against the proceeds of crime which are believed to be located in Mauritius; and
  - (b) proceedings relating to the proceeds of crime have commenced in the foreign State, or before the international criminal tribunal.
- Where the Judge in Chambers is satisfied that the proceeds of crime are located in Mauritius, he may make a restraining order in respect of the proceeds of the crime, on such conditions as he may deem fit to impose, including any condition as to payment of debts, sale, transfer or disposal of any property.

### **3. Foreign request for enforcement of foreign restraining order or confiscation**

- A foreign State, or an international criminal tribunal, requests that necessary measures be taken for the enforcement of—
  - (a) a foreign restraining order; or
  - (b) a foreign confiscation order,the Central Authority of Mauritius may apply to the Supreme Court for registration of the order.
- The Supreme Court shall register the foreign restraining order where it is satisfied that, at the time of registration, the order is in force in the foreign State or before the international criminal tribunal.
- Where an order has been registered and the Supreme Court may order that the property be confiscated and be vested in the State until such arrangement is made by the Central Authority of Mauritius with the foreign State.

### **4. Foreign request for location of proceeds of crime**

Where—

- (a) a foreign State requests the Central Authority of Mauritius to assist in locating property believed to be the proceeds of a serious crime committed in that State; or
- (b) an international criminal tribunal requests the Central Authority to assist in locating property

believed to be the proceeds of an international criminal tribunal offence,

the Central Authority of Mauritius may apply to a Judge in Chambers for an order—

(i) that any information relevant to —

(A) identifying, locating or quantifying any property; or

(B) identifying or locating any document necessary for the transfer of any property, belonging to, or in the possession or under the control of that person be delivered forthwith to the Central Authority; or

(ii) that a bank or financial institution forthwith produces to the Central Authority of Mauritius all information obtained by it about any business transaction relating to the property for such period before or after the date of the order as the Judge may direct.

## **5. Sharing confiscated property with foreign States**

- The Central Authority of Mauritius may enter into such arrangement as he thinks fit with the competent authorities of a foreign State for the reciprocal sharing with that State of such part of any property realised—

(a) in the foreign State, as a result of action taken by him pursuant to section 4; or

(b) in Mauritius, as a result of action taken by him pursuant to section 5.

- Where the Minister to whom the subject of finance is assigned considers it appropriate, either because an international arrangement so requires or permits or in the public interest, he may order that the whole or any part of any property confiscated under this Act, or the value thereof, be returned or remitted to the foreign State or the international criminal tribunal.