

COMMUNIQUE

Determination on the applications of registration of Parties 'MP' and 'Mouvement Patriotique'

The Electoral Supervisory Commission has, at its meeting held on Saturday 12 October 2019, examined the applications for registration of, inter alia, the following three (3) parties:

	Party	Name of applicant	Symbol
(a)	MP	KEERPAL Dayendranath	La Rosa
(b)	Mouvement Patriotique	BARBIER Jean Claude	Rose
(c)	Mouvement Patriotique	GANOO Alan	A Rose flower

The Commission notes that the party MP, which has chosen the symbol "Rose", albeit described as "La Rosa", has to be viewed in context.

The party '*Mouvement Patriotique*' has generally been well-known to the electorate as 'MP' when it took part in the 2017 By-Election in Constituency No 18 and fielded a candidate in the scheduled By-Election of Constituency No 7.

The two other applications made in the name of '*Mouvement Patriotique*' also make use of a "rose" as symbol, identical in depiction, except that one has been described as "rose" and the other one as "A rose flower".

The Commission is of opinion that such similar names and symbols of identification are likely to cause confusion in the electorate.

The Commission also notes that with regard to the two applications of '*Mouvement Patriotique*' with identical symbols, each application is supported by an extract of the Minutes of Proceedings of the meeting at which the decision was taken for the President and the Secretary to make the application to be registered as a party. Moreover, the applications are signed by the respective President and Secretary of each party, one signed by Mr Jean Claude Barbier as President and Mr Kreepanansing Bumma as Secretary; and the other by Mr Alan Ganoo as President and Mr Mohammad Yasin Hamuth as Secretary.

The Commission further takes note of the Order made in Chambers by Hon. (Mrs) R Teelock, Judge on 11 October 2019 in the matter of Mohammad Yasin Hamuth v Jean Claude Barbier and others (SN 1840/2019), a copy of which was submitted to the Electoral Commissioner by Respondents Number 1 and 2 (Messrs Barbier and Bumma). The Hon. Judge held that:

"the symbol, colour and logo (the mark) are linked to the identification of Mouvement Patriotique and I find therefore that it has a direct interest in the matter and should have been a party to this application. The more so as there is a dispute between the applicant and the respondents, as to who is the President and the lawful member of Mouvement Patriotique as well as the status of its rules, regulations and constitution."

The Commission is of the view that it is not in a position to entertain any of the three above applications as submitted.

In the circumstances, pursuant to Regulation 9(1)(b), (2) and (3) of the National Assembly Elections Regulations 2014, the Commission has given written notice to all three (3) applicants that it intended to register the application made on behalf of:

- "MP" as "Mouvement DAYENDRANATH KEERPAL" with the symbol of identification "Mango" (No. 83 of the official list of available symbols as drawn by the Office of the Electoral Commissioner)
- "Mouvement Patriotique" as "Mouvement JEAN CLAUDE BARBIER" with the symbol of identification "Two Cherries" (No. 128 of the official list of available symbols as drawn by the Office of the Electoral Commissioner)
- "Mouvement Patriotique-La Nouvelle Force" under the name "Mouvement Patriotique" as "Mouvement ALAN GANOO" with the symbol of identification "Pear" (No. 91 of the official list of available symbols as drawn by the Office of the Electoral Commissioner).

Any of the applicants aggrieved by the decision of the Commission may, within 24 hours of the service of the written notice served on them by an Usher of the Supreme Court, appeal to the Supreme Court against the decision.

The Commission has been informed that the written notice has been duly served on all the applicants.

Electoral Supervisory Commission
Port Louis
12 October 2019