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## DIFFERENCES IN THE ROLE OF THE PROSECUTOR IN INQUISITORIAL AND ACCUSATORIAL

### **Synopsis:**

The role of prosecutors may differ depending on the legal tradition adopted in a particular country. Two types of legal traditions dominate the nature of investigation and adjudication around the world: accusatorial and inquisitorial legal systems. Common law countries such as England use an adversarial system to determine facts in the adjudication process. In the accusatorial system, the prosecution and defence compete against each other, and the judge serves as a referee to ensure fairness to the accused. The inquisitorial system on the other hand, is prevalent in mainland Europe. Unlike the adversarial system, the role of the inquisitorial system is not to determine guilt or innocence of one particular person but to find the truth. In Mauritius, we follow the accusatorial system of law, but discussions of incorporating some features of the inquisitorial system have been going on. The French colonised the island and therefore, Mauritius adopted an inquisitorial criminal system. In December 1810, the British captured the island and after signing the Act of Capitulation, they allowed the French inhabitants of the colony to keep their customs, religion, property and laws. However, the British parted from the French inquisitorial criminal system and adopted an adversarial criminal system with a Prosecutor instead of a "juge d'instruction" and the "procureur general".