ORAL ANSWERS TO QUESTIONS

BEAU BASSIN PRISON - INCIDENT ON 04.11.04

The Leader of the Opposition (Dr. N. Ramgoolam) (By Private Notice) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the situation prevailing in the prisons, he will, for the benefit of the House, ascertain –

(a) with respect to the incident that took place at Beau Bassin prison on 04 November last, whether –

(i) the interrogation of prisoner Antoine Chetty took place at the new wing of the prison and, if so, why there;

(ii) the prisoners were within the reach of Inspector Tuyau and, if so, why;

(iii) there was an attempt to assault Inspector Tuyau and, if so, whether a cutter and an infected syringe were used in the said attempt; and

(b) with respect to the period September 2003 to date, the number of reported cases of use or threats of violence, physical or sexual abuse or harassment and HIV/AIDS.

The Prime Minister: Mr Speaker, Sir, in regard to the situation prevailing in the prisons, I wish, first of all, to reassure the House that the situation in the Prisons in general is under control and has been improving recently in the context of the ongoing prison reform although there have been some incidents lately at the new wing complex of Beau Bassin prison.

Indeed, since I took office as Prime Minister, I have given personal and close attention to the prisons. A number of measures have been taken to improve the situation in our reform institutions. These measures include inter-alia -
(i) infrastructural works for better grouping of detainees;
(ii) issue of identity cards to detainees on admission;
(iii) proper segregation of prisoners;
(iv) regular checks on prisoners and visitors as well as on Prison Officers, for any concealed drugs or prohibited articles;
(v) screening of prisoners to detect HIV cases, and
(vi) amendments to the law on remission.

The management of security in general in the Prisons Service is also being revitalised. A Deputy Commissioner is to be given overall responsibility for all aspects of security and will have a small team working with him. A team leader in the rank of Assistant Superintendent has already been appointed. Security managers are to be appointed in each prison and a new security awareness training package covering security, searching and intelligence is being introduced. For the fact is that successful rehabilitation can only be provided in prisons which are safe and well ordered. The new measures will provide a more focused approach to security and control, but will be matched by a greater emphasis on rehabilitation than has been the case until now.

Also the Prisons Service will produce and deliver a drug strategy starting with a pilot scheme in the women's prison. It will be designed to reduce supply, demand and harm to both individuals and society. The Prisons Service also intends to enhance family links and public telephones will be introduced in a controlled fashion in the Correctional Youth Centre, the Richelieu Open Prison and the Women's Prison. The frequency, duration and nature of family visits are also under review. It is intended that prisoners who are well behaved and drug free will have greater access to privileges than those who breach the rules. Rehabilitation will require a greater emphasis on worthwhile work and training in prisons and further reviews are to take place regarding such activities.

Finally the Prisons Service will be expected to expand its work with NGOs as successful resettlement of offenders is a key to controlling and subsequently reducing re-offending in the community.

The ongoing prison reform I have just been describing will be accelerated and completed upon the appointment in the near future of a Commissioner of Prisons on a contract for three years.
Mr Speaker, Sir, with regard to the new wing where some problems still persist, let me seize the opportunity to inform the House that it was initially intended to house only prisoners working outside the prison walls, but inside the campus of the prison estate. It was designed in August 2000…

(Interruptions)

- and badly at that - under the previous Government…

Mr Speaker: Order! Order!

It was built in 2002 and received its first prisoners on 06 March 2003. On 26 September 2003, a decision was made by the then Commissioner of Prisons to concentrate all HIV prisoners in the new wing in an attempt to try to minimize the spread of the disease in the Prisons and to facilitate medical treatment. As a result, there are today 249 prisoners in the new wing including 217 HIV positive prisoners.

It is a fact that the new wing lacks many facilities required by detainees undergoing sentence. There are no recreational facilities, no workshops, no classrooms and no religious facilities. Prisoners have no purposeful means of filling their day and prevailing conditions do create a stressful environment. The Prisons Service is working on the provision of temporary recreational facilities in a small fallow area inside the prison with the prospect of a more permanent solution being provided in a secure area adjacent to the prison.

Mr Speaker, Sir, in regard to part (a) of the question, an incident did take place in the new wing on 04 November 2004 which involved among others, an Inspector of Police and a lawyer in private practice. The Prisons Service is still conducting an enquiry into the incident and four prisoners have been placed on a prison disciplinary charge. A hearing will be conducted shortly at the conclusion of the inquiry.

On the same day that incident occurred I had a meeting with the Senior Prisons Officials and Mr Bill Duff, Adviser in prison matters; and additional measures have now been set in place to tighten security and control at the new wing, namely -
(i) the staff at the new wing has been reinforced by specially trained personnel from the Prison Security Squad who have not been involved in any previous incident and movement of prisoners is being effectively controlled;

(ii) the Prisons Department has ensured that all doors and locks cannot be tampered with;

(iii) all non-HIV prisoners are being transferred out of the new wing and a strict policy of segregation of types of prisoners in the New Wing is being enforced;

(iv) a Closed Circuit Television System is being introduced to ensure better surveillance of prisoners, and

(v) ring leaders at the new wing are being transferred to Phoenix prison.

In regard to part (a) (i) of the question, it is a fact that the interview of Mr Antoine Chetty took place in the new wing of the prison because he is detained there. However, since that incident, arrangements have been made for an alternative location for further interrogation of Mr Antoine Chetty.

As regards part (a) (ii) of the question, it is also a fact that prisoners were within reach of Inspector Tuyau and others, and that as the result of the poor design of the new wing complex.

As regards part (a) (iii) of the question, it is confirmed that there was an attempt at assault. The ongoing inquiry will establish the details thereof and also whether a cutter and an infected syringe were used.

As for part (b) of the question, Mr Speaker, Sir, I take it that the Leader of the Opposition is referring to the new wing complex. Figures and facts are being compiled and will be made available. But I can state at this stage that there has been a lot of exaggeration in some recent press and radio reports.

**Dr. Ramgoolam:** Even though the hon. Prime Minister finds fault with the new wing which was built in 2002, as he says, can he confirm
whether inspector Tuyau had actually requested that the interview takes place not there, but somewhere else in the vicinity of that prison?

**The Prime Minister:** I am not aware whether it is inspector Tuyau, but I am aware that a verbal request had been made for different arrangements than those that were made. As I said, the design of the new wing is such that, unfortunately, as one group moves from here to there, the risk of meeting at some point does exist.

I am satisfied as Prime Minister that more precise efforts could have prevented that incident. And the proof of that is the fact that alternative safer arrangements have been made now. From the way I reply, I am sure the hon. Leader of the Opposition will be aware that although a lot of progress has been achieved in the prisons, in general, there are still problems at the new wing; and I am not satisfied, as Prime Minister, that we reached the goal. No! There is still progress to be made at the new wing, and progress is being made right now. As I said, the prison reform process will be completed in the days to come with the help of the appointment of a new Commissioner of Prisons on a contract for three years.

**Dr. Ramgoolam:** I thank the Prime Minister for conceding that things could have been done differently. In spite of what he is saying about the new wing which was built in 2002, can he say why inspector Tuyau's request that the interview be done somewhere else was turned down? There must have been somewhere else that it could have been done for him to have asked that it be done there.

**The Prime Minister:** I would request the hon. Leader of the Opposition to listen when I reply. I did make a point to say that I am not aware whether it is inspector Tuyau who made a verbal request. What I am aware of is that a verbal request was made. I don't think it was by inspector Tuyau, but that is not really the point. And, of course, the hon. Leader of the Opposition can understand that it is after the incident that as Prime Minister I have learnt about the verbal request in what took place. I repeat I am not satisfied today in spite of all my efforts that I get all required information from the prison authorities and that all arrangements are carried out without wasting any time. This is a fact. I am not happy - and I will not be happy - until the prison reform process has been completed. And I will lose no time in achieving that, Mr Speaker, Sir.
Dr. Ramgoolam: Even if it was not inspector Tuyau who made the request, if there was a verbal request, can he say why this was not acceded to?

The Prime Minister: Sir, as I said, the explanation that I have been given since the incident is that the prison authorities - not ADSU or the Police authorities - felt that it was safer to interview detainee Chetty close to where he is detained, because obviously we are all aware in what circumstances detainee Chetty is spending his time in prison. So, they felt that the safest way to protect him was to have the interview carried out as close as possible to where he is detained. That was the point of view of the prison authorities. The Police authorities, ADSU in particular, had other ideas, but their ideas, unfortunately, did not prevail.

Dr. Ramgoolam: Why then were the prisoners allowed to be in the yard while he was coming into the interview room and back?

The Prime Minister: I have not been satisfied recently with the control of detainees in that new wing. In fact, it is one of these coincidences. That is why I was not satisfied and worried. I called a meeting in my office, which I chaired at 5 o'clock on the day the incident occurred. And whilst I was there with the top Prison Authorities, i.e. the Commissioner of Police, the Secretary to Cabinet and the Secretary for Home Affairs the incident was occurring in the new wing precisely at the same time. (Interruptions)

I was not satisfied; I requested immediate measures, so that the movement of prisoners be totally controlled in the new wing. One should realise, Mr Speaker, Sir, that we are in a special situation where nearly all of these detainees are HIV positive.

We have done our best to train Prison Officers in a situation like that, but in spite of training and explanation and so on, we all know that in the public mind, including Prison Officers' mind, there are all sorts of worries when you get to handle HIV/AIDS detainees. So, it is not an easy situation; it is a very difficult one. At that meeting which I chaired on that day, I ordered immediate measures, including the presence of 10 specially trained personnel permanently, as I said earlier, from the Prison Security Squad and I ordered that these must be personnel that have not been involved in any previous incidents in clashes with
detainees. As from that day, you have 10 specially trained Prison Security Squad personnel *en permanence* on the spot. When 10 go, 10 others come apart from the other measures, which have been taken. I ordered those measures to be taken as I said at exactly the same time that, unfortunately, that incident was taking place, not after, Mr Speaker, Sir.

**Dr. Ramgoolam:** This is a case of not *après la mort, la tisane*, but *la tisane* while they are dying! Inspector Tuyau, it seems, had asked for the yard to be cleared and he was told to go ahead as it was clear. Was he deliberately misled on that?

**The Prime Minister:** Well, Mr Speaker, Sir, I won't pass comments on those who do not manage to have any *tisane* prepared for four and a half years! But, coming back to the incident, Mr Speaker, Sir, I won't go into too many details.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** I said that the detailed inquiry is still on. I would request the hon. Leader of the Opposition and anybody else in the press, on the radios and so on, not to speculate. I take one concrete example. Who was the target? As I said, the evidence is clear that there was an attempt at aggression. Who was the target? The Leader of the Opposition seems to have concluded that it was Inspector Tuyau. I am not that sure and I am very worried again. That is why when I replied, I said 'and others'. I said: 'Yes, it is a fact that prisoners were within reach of Inspector Tuyau and others.' There were speculations in the press, on the radios, that there was an infected syringe. Now, can you tell me how you can conclude that it was infected?

**Mr Dulloo:** People said so!

**The Prime Minister:** The hon. Member should keep quiet instead of making noises like usual!

**Mr Speaker:** Order! Order, please!
The Prime Minister: So, my appeal to sensible people, not to everybody on the other side…

(Interruptions)

Mr Speaker: Order, please!

The Prime Minister: Let us stop speculation! Let us allow this full inquiry and I have asked Mr Bill Duff to be totally involved in the detailed inquiry, Mr Speaker, Sir.

Mr Speaker: Hon. David, no cross-talking, please!

The Prime Minister: I have not come to any conclusion. The inquiry is on; then we'll know the details, including eventually who the target was and what exactly took place.

Dr. Ramgoolam: May I point out to the Prime Minister that I have not concluded who the target was…

(Interruptions)

I am mentioning it, because there were three people there and amongst them, one was a barrister. Inspector Tuyau did say in the press that he felt personally that this attack was against him; that is not my conclusion. One of the persons was obviously targeted. Apparently, from what prisoners uttered, they wanted to infect him with sida. This is what they said…

(Interruptions)

The Prime Minister: May I appeal to the hon. Leader of the Opposition not to believe everything that is being published. This is a free country. The independent press….

(Interruptions)

Since the Member is interrupting me, I won't bother!

Mr Speaker: Order! I want to listen to the reply of the Prime Minister and to the question being put by the hon. Leader of the Opposition.
Dr. Ramgoolam: Can the hon. Prime Minister say why was the call supposedly from Inspector Tuyau for assistance not responded to?

The Prime Minister: As I said, Mr Speaker, Sir, all that they are quoting are press reports, comments by radios. They might be right. I cannot say at this point in time, but clearly there have been a lot of exaggeration and speculation. I am not involved in that kind of business.

Let us wait until the detailed inquiry has been completed. I repeat: with the full participation of Mr Bill Duff - I insisted on that - I don't want any more cover-ups. I want the whole truth; we want all the facts. This is how things are going to be as from now on, or rather as from the appointment of a Commissioner of Prison on contract for three years.

Dr. Ramgoolam: There were supposed to be close circuit televisions there. No new close circuit televisions were added from what I heard.

The Prime Minister: It was designed when the Leader of the Opposition was Prime Minister with no close circuit televisions provided. There is no close circuit television. Now, as present Prime Minister, I believe that this kind of tisane also is required, Mr Speaker, Sir. We are introducing it urgently. It will cost a few million of rupees as it's expensive stuff, but I believe it is urgently required. We'll do it in the days to come.

Dr. Ramgoolam: In an answer previously, the Prime Minister had said that he would include close circuit televisions everywhere. I think that was two years ago….

The Prime Minister: Not two years ago. I have been Prime Minister for one year now.

Dr. Ramgoolam: Well, you have been in Government for four years and you have not seen the need for close circuit televisions. That's why I said, après la mort, la tisane. It is now that the Prime Minister sees the need for close circuit televisions.

The Prime Minister: When I took over as Prime Minister there was none. After four and half years of his Prime Ministership, there were no close circuit televisions anywhere. Since then, we are progressing.
We are coming with the right *tisane*, which the Leader of the Opposition did not use for four and a half years!

**Dr. Ramgoolam:** That is not totally correct! If the Prime Minister went to check, there were some close circuit televisions which were being put in some prisons….

**The Prime Minister:** Not in your time!

**Dr. Ramgoolam:** It was being prepared and put in some places…

(Interruptions)

**Mr Speaker:** Order!

(Interruptions)

**Dr. Ramgoolam:** The Prime Minister has taken four years, he has not put any yet! The lawyer has made a comment that he has himself filmed part of the incident. Can the hon. Prime Minister confirm whether that is true or not?

**The Prime Minister:** Well, I must say that this young lawyer is certainly a very good actor, but whether he filmed the incident or not I don't know. I met him yesterday, he didn't hint at that at all. I must say I was so mesmerized by his performance as an actor that I didn't ask him whether he filmed the incident. But, he didn't offer any film or any projection. I don't think so; I tell you honestly. I think what he meant …

(Interruptions)

Well, the hon. Prime Minister begs the hon. Leader of the Opposition to pay some attention to him. I think what he had in his hands was a portable phone which allows for pictures. I don't think it is a film. But, as I said, he is a very good actor. He will read about this question in the papers and if the film or pictures do exist, it is his duty to place it at the disposal of the inquiring officers.
Dr. Ramgoolam: With some of these cameras, you can actually make short films and maybe that is what he has done.

The Prime Minister: He will be reading what took place here and I will certainly request him to come forward with any films or pictures.

Mr Dulloo: The hon. Prime Minister has just said how bad the situation is at the new wing. So, may I ask him whether Government or the Commissioner of Prisons had intelligent information alluding to a possible physical assault on Mr Chetty and, if so, when? And being given that he could be a very important key witness whether Government considered his security of prime importance to the State?

The Prime Minister: Surely, the hon. Member is aware that there is an Ag. Commissioner of Prisons. There will be an appointed Commissioner of Prisons in few days time on a three year contract. For the time being and for the last few years we have had an Ag. Commissioner of Prisons which has not helped in the present circumstances.

One of the weaknesses which I found and which I have discussed at length with the authorities, including the Ag. Commissioner of Prisons and the new Adviser, Mr Bill Duff, is the lack precisely of information. It is a key element of prison's management that there is a proper intelligence mechanism to monitor Prison Officers themselves, including signs of wealth and so on. This has been very much lacking and we are doing the necessary as far as intelligence gathering around the prison including Prison officers is concerned.

I repeat what I said earlier. It was their judgement, but the prison authorities felt that the interview of detainee Chetty should take place where it took place, precisely because they felt that this was the best way of securing his security. That was their way of looking at it, that was their conclusion and that is why the interview took place where it did take place. One can differ with that assessment, but that was theirs, I am not carrying out any procès d'intention, on that I am sure that they meant well. L'intention était bonne, but the incident did take place.

Mr Speaker: The hon. Members have three more minutes for the PNQ.

Mr Dulloo: The Prime Minister has said that he is not sufficiently informed about the other prisons, but he has learned how bad the situation is at the new wing. But Government informed us that intelligence information have been obtained about possible physical assault ...
The Prime Minister: Who told you that?

Mr Dulloo: Government informed this House …

The Prime Minister: Can I know when was that?

Mr Dulloo: That was on the 10 August 2004. That was a statement made by the Prime Minister that intelligence information have been received alluding to a possible physical assault on Mr Chetty and his security …

The Prime Minister: That has got nothing to do with the incident.

Mr Dulloo: His security is of prime importance. Therefore, may I ask the …

Mr Speaker: I think the hon. Member is quoting from a statement made by the Prime Minister to the House.

(Interruptions)

Mr Dulloo: The statement is clear that Mr Chetty has therefore been transferred to Beau Bassin prison, because arrangements have been made accordingly for his security. Therefore being given that the Prime Minister has said how bad the situation is at the new wing, why is it that he has been transferred to the new wing where this very sensitive procedure of recording statements was held notwithstanding the security at the new wing? This is what Government said.

The Prime Minister: What I said some months ago has nothing to do with that incident, Mr Speaker, Sir.

Dr. Ramgoolam: Mr Speaker, would you allow me two questions? First of all, there had been incidents in prisons in June and September 2003 and I think ACP Joganah was made to inquire into that. What has happened to that report?

The Prime Minister: As I said, a lot of progress has been achieved in the prisons in general. The only trouble spot left unfortunately is the new wing. But even there we are achieving progress and I gave all the details. Mr Joganah was a very good Police Officer. We used his services and he was kind enough to agree to his services being used in the prisons also. But mixing previous Police Officers with Prison Officers is not always the best recipe. So, Mr Joganah has been helpful, has helped us as best he could. His contract has come to an end and he is now moving on. I am satisfied that the new Adviser that I have, Mr Bill Duff gets the right equilibrium of …

(Interruptions)
Shame! I will not go further if you allow this kind of …

(Interruptions)

Mr Speaker: Order!

Dr. Ramgoolam: One last question.

The Prime Minister: I won't reply any more if we have to deal with these people.

(Interruptions)

Mr Speaker: Hon. David! Put your question hon. Leader of the Opposition.

Dr. Ramgoolam: I will ask the question any way to the Prime Minister even if he chooses not to reply to it. There have been numerous press articles in the international press about rising insecurity in Mauritius, especially in some areas. Does he not agree that in a place, which is supposed to be high security place as a prison and if there is a breakdown of law and order there, this is going to further tarnish our image?

The Prime Minister: I do not think the hon. Leader of the Opposition should make that kind of comment. This is very unpatriotic, very bad.

(Interruptions)

Mr Speaker: Order!

The Prime Minister: He is referring to a UK foreign office, a notice which had been corrected since, because our British friends do have some fair play sometimes - not all the time, as we know with the Chagos/Illois issue - but they do have some fair play some time and they have corrected that notice. I thank them for that and I do not think that what has taken place one isolated incident in the new wing of the Central Prison should be used to project an image of deteriorating law and order in Mauritius. The first thing that tourists in general and the outside world comment upon is the mood in the country, the law and order situation in the country.

(Interruptions)

This is a fact, Mr Speaker, Sir..

(Interruptions)

whether that unpatriotic lot is happy or not! This is the fact, Mr Speaker, Sir.
Mr Speaker: Order! Order, please.

The Prime Minister: One of our assets, as far as tourism is concerned, is the law and order situation in the country, Mr Speaker, Sir. And instead of saying anything, we should all of us help consolidate that.

Mr Speaker: Questions to the hon. Prime Minister. I have been advised that PQ No. B/808 would be answered by hon. Deputy Prime Minister and Minister of Finance whereas PQ No. B/810 would be answered...

The Prime Minister: But who said that? It is not so.

Mr Speaker: I think I can trust the correspondence, which I have received from Ministries.

The Prime Minister: It is not so, I am not aware.

Mr Speaker: In that case, if the hon. Prime Minister is going to reply to the questions, there is no problem, he can do so. I maintain, however, that I have been advised following documents from Ministries that these questions would be replied by hon. Deputy Prime Minister and the Minister of Education respectively. Well, I do not know whether to rely on or not on documents received from Ministries.

(Interruptions)

Hon. Hurnam, please.