

ORAL ANSWERS TO QUESTIONS

VICTORIA HOSPITAL – METHADONE DISTRIBUTION –
INCIDENT

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to law and order, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to if incidents have recently occurred, whereby groups have either taken the law in their hands or displayed firearms and other offensive weapons in public and, if so –
 - (i) if inquiries have been carried out thereinto and the outcome thereof;
 - (ii) the new initiatives taken concerning illegal weapons, and
- (b) state if the Police have been instructed to deal promptly and firmly with such incidents.

The Prime Minister: Mr Deputy Speaker, Sir, I wish, at the outset, to state that Mauritius is *un état de droit* and as long as I am this country's Prime Minister, no citizen or organized group will be permitted by any means whatsoever, to take the law in their own hands and the Police have my unwavering support to strictly enforce the law of this country to prevent any attempt by any person or group whatsoever to disturb peace and social harmony.

In this context, I wish to reiterate what I have recently publicly stated regarding various incidents that have occurred in the country, namely that any organization or group of persons attempting to take the law in their hands will have to bear the full consequences of their acts.

Hon. Members will recall that I have, in this very House, time and again stated that my Government remains fully committed to take all necessary steps to consolidate law and order in the country with a view to clamping down on violence, crimes and thefts. We will continue to focus our efforts to bring down the level of crimes and thefts in Mauritius.

Mr Deputy Speaker, Sir, we should also remind ourselves that there exists on our Statute books, the Prevention of Terrorism Act which provides for measures against the acts purporting to undermine the authority of the State. Any person purporting to engage in any such acts will be well advised to bear in mind the powers available under that law.

With regard to part (a) (i) of the question, I am informed by the Commissioner of Police as follows –

On Friday 27 June 2008, the Pharmacy Dispenser at the Princess Margaret Victoria Hospital reported to the Police that, whilst distributing Methadone, a group of some ten persons disrupted the distribution of Methadone at the pharmacy.

Following his declaration, the Police opened an enquiry. During the enquiry, the Regional Health Director stated that on the same day, some thirty persons entered his office and threatened to damage the Detox Centre in case the distribution of methadone was maintained. He added that he could identify some of the individuals who entered his office. I am informed that appropriate identification procedures have been set in motion.

On the same day, a person receiving Methadone treatment alleged that whilst he was at Candos Hospital to collect his dose of Methadone, a group of persons that he cannot identify assaulted him with batons and ordered him to leave. He has, however, declined medical examinations.

Police enquiry is in progress in both cases.

At the beginning, apparently, his mother went on the private radios to mention this incident, but he had not at the time made any declaration and statement to the Police. The Police went to see him after what his mother said and eventually he did make a statement. But, as I said, he declined medical examinations.

On Sunday 29 June 2008, a disturbance occurred at Trèfles, Rose Hill, involving two groups, during which the house of a local resident was damaged. During the same incident, the vehicle used by one group was also damaged. The prompt intervention of the Police prevented the situation from deteriorating.

I am informed that when the Police called at the spot of the incident, they came across suspicious vehicles and, in the course, of a search, discovered incriminating items in one of the vehicles. This led to the arrest of two other persons. Police pursued its investigation and subsequently arrested another five persons.

They have been provisionally charged with the following offences –

- (i) damaging property by band;
- (ii) bearing offensive weapon;
- (iii) larceny with violence, and
- (iv) assault.

All the seven have been released on bail.

According to a declaration registered at Grand Baie Police Station on 02 July 2008 at Pavillon, Cap Malheureux, an incident took place between two families during which both sides threatened to do bodily harm to each other. The Grand Baie Police intervened in time and brought the situation under control. A Police vehicle was slightly damaged. During the incident a case of alleged gunshot was also reported. The Police is enquiring into these cases.

With regard to part (a) (ii) of the question, the House will recall that a Firearms Act was passed by my Government in 2006. It was proclaimed in September 2007.

This new Act provides for the establishment of appropriate and effective legal framework to prevent the misuse of firearms in order to promote peace and order in the country. The law makes specific provision for –

- (a) a more strict regulation of possession of firearms and ammunitions;
- (b) the requirement of a Competency Certificate before a person can be licensed to hold a firearm;
- (c) stringent conditions under which private security providers and their employees can hold firearms;
- (d) a centralized system of firearm index to be kept by the Commissioner of Police;
- (e) the registration of dealers and gunsmiths, and
- (f) the creation of the offence of possession of firearm while under influence of intoxicating drink or dangerous drug.

The Act provides for penalties for up to Rs200,000 and imprisonment of up to 15 years and for the offence of possession of firearms with intent, penal servitude of up to 30 years.

Mr Deputy Speaker, Sir, furthermore, the Police has set up a Central Firearms Index with a view to maintaining a Central Firearm Register to establish a database of all information pertaining to existing firearms, particulars of licencee, registration of firearms dealers, gunsmiths, registration of hunting and game shooting organisations and other auxiliaries.

The regular Police together with the SMF / SSU / ERS / CID / DSU regularly perform stop and search operations throughout the island to prevent and detect offences related to possession of illegal weapons. The operation is carried out with the assistance and collaboration of Port Police, ADSU, Customs and other marine agencies operating in the Port area.

Vigilance is also exercised night and day at the Airport. The National Coast Guard carries out search on vessels upon reasonable suspicion. The National Coast Guard also performs stop and search whilst performing lagoon, coastal and offshore patrols.

An Intelligence Cell has been set up in the Police Department with the aim to carry out research works and maintain a database, *inter alia*, on firearm related offences which will help the Police to focus intelligence and proactively tackle such offences.

Mauritius being a member of the Interpol and party to several convention there is interaction and exchange of information whenever there are suspected firearms related cases. There is also an Agreement with IOC for a common point of contact between member States in respect of sharing of information on illegal trafficking of firearms.

The number of firearms seized by the Police during the period 2000 to 2004 is 38 whereas for the period 2005 to date 106 firearms have been secured showing positive results achieved by the Police following the new initiatives taken as regards control of firearms.

It is to be noted that there are a few cases whereby toy pistols with projectiles have been used by individuals.

With a view to preventing such occurrence, the Commissioner of Police has on 02 July 2008 issued a Police communiqué inviting the attention of the public that not only importation and/or possession of such toys constitute an offence and is punishable by law, but these may be also dangerous to oneself and others.

Mr Deputy Speaker, Sir, the House will recall that recently my Government brought an amendment to the Private Security Act making provision for prohibiting the use of firearms by bouncers. I also wish to highlight the fact that following the incidents involving persons employed as bouncers by nightclub, discotheques etc, an important amendment has been brought to the Firearms Act to expressly prohibit the possession or use of a firearm by any security guard when he is on duty at the premises of a nightclub, discotheque, private club, restaurant, café and so on, at the premises of any licensee under the Gambling Regulatory Authority Act

2007, whether he is employed by a private security service provider or by the owner of the nightclub or other premises.

As regards part (b) of the question, I have already stated, and I repeat it, that the Commissioner of Police should, and does understand, that he has my unwavering support to fully use the enormous powers conferred upon him under the Police Act.

Insofar as giving any general directions of policy to the Commissioner of Police with respect to maintenance of public safety and public order, during my regular meetings with the Commissioner of Police, I spare no effort to remind the Commissioner of Police that a policy of “zero tolerance” regarding breaches of law and order should at all times be adopted irrespective of the groups or persons in question.

Mr Bérenger: Mr Deputy Speaker, Sir, the hon. Prime Minister has made reference to three recent incidents and, in the course of two of them, persons took the law into their own hands and in the second one, firearms and other weapons were exhibited. Will the hon. Prime Minister agree with me that these two incidents were not the only ones? Over the recent weeks and months, there have been several other such incidents, especially when people took the law into their own hands. Will the Prime Minister agree that he has been slow in reacting to this kind of incident?

The Prime Minister: I do not agree, Mr Deputy Speaker, Sir. In fact, I must correct the hon. Leader of the Opposition. I did say that somebody alleged that there were firearms and somebody held a firearm shot in the air. But there is no evidence so far that firearms were actually used. That is why the Police are continuing their inquiry.

Mr Bérenger: Reference was made to firearms being used here or there. My question was, over the recent weeks and months, there have been several occasions where some people have taken the law into their own hands. That was my point and we should certainly have stopped that kind of gimmick quite a while back.

The Prime Minister: That is why I have said to the Commissioner of Police that he has my unwavering support to act and he is acting. But, as he said to me, even this morning, when I met him, he has to get the evidence before he starts arresting people and in some cases he has done it because he has got evidence. That is what he is doing.

Mr Bérenger: I won't spend too much time on the past. I think it is very good for the country that firm statements have been and are being made concerning people who take the law in their hands or exhibit weapons, firearms and other weapons. I heard the hon. Prime Minister make reference to inquiries that are ongoing concerning mainly the two incidents at Candos and Stanley. What about the other incidents as there have been quite a number of them, let's say, over the last six months? Are Police inquiries on concerning the other incidents as well?

The Prime Minister: The question is not specific to them but, as far as I remember, Mr Deputy Speaker, Sir, Police inquiries are ongoing in all incidents and in some cases arrests have been made.

Mr Bérenger: I heard the hon. Prime Minister give figures for weapons in general – I take it that there are illegal weapons - that have been seized by the Police recently. Can I know from the hon. Prime Minister how many firearms, what kind of firearms and other weapons have been seized?

The Prime Minister: The figures I gave, Mr Deputy Speaker, Sir, pertaining to firearms were that from the period 2005 to date, 106 firearms have been secured.

Mr Bérenger: I tend to agree that there would be a strong deterrent effect if people caught with illegal firearms were found guilty and sentenced by the Court. Have there been any cases?

The Prime Minister: I must say, Mr Deputy Speaker, Sir, that we pass the Firearms Act in 2006, but it was only proclaimed in September 2007. We are using the new provisions of the law to take people in Court.

Mr Bérenger: The hon. Prime Minister has made reference to the new Firearms Act. Will he agree with me that the fact is, unfortunately, that there are a lot of firearms and other illegal weapons throughout the island? Unfortunately this is the case despite the new Firearms Act. I was a bit

surprised not to hear of other initiatives apart from the possibility of toughening still further the law. Does not the Prime Minister and the Police think that there is need for searches because they have information? I think all of us know where we can find illegal firearms and in one case, the incident referred to, I am really disturbed by the speed at which all sorts of dangerous firearms and other weapons just came out. Will the Prime Minister agree with me that there are a lot of illegal firearms and other weapons? Apart from applying the law, will the Police take action, get information, make searches, *des fouilles* throughout the island?

The Prime Minister: In fact, I did mention it. One reason is that we do not want to allow the culprits to know what the Police are actually doing. But since this has been mentioned, Police are doing raids without giving any kind of information before. I should say that this is why we passed the Firearms Act and a lot of people do not realise that - maybe, we should have more publicity on the MBC or whatever - if they are caught with firearms illegally, they are going to stay in prison for a long time. Personally I think that is the problem. One of the reasons why we did not proclaim the Firearms Act immediately is because the then Commissioner of Police was asking for more time because he needed more time to do this centralised system of firearms database. It could not be put in place and that is why it was delayed until September. Now this is in place and it is being done.

Mr Bérenger: I agree fully, Mr Deputy Speaker, with what the hon. Prime Minister has just said, that a strong warning signal must be sent to all those concerned, those who take the law in their hands or those who have in high doubts illegal firearms and other weapons. I agree fully. And, therefore, can I ask the hon. Prime Minister to look also at what I have said: information obtained, searches and repeated searches, but also warnings sent by the Police. I think the PNQ of today is one very important way of sending a strong warning that the law is tough. It will be toughened further, if required, and that a strong warning should be sent that people who take the law in their hands or keep illegal weapons are going to face a tough time.

The Prime Minister: In fact, I must thank the hon. Leader of the Opposition because he gave me the opportunity, as he said, to express very clearly the message that we give to these people, that they cannot and should not think that they would be allowed to take the law in their own hands and, any group, it is not just one group, I say it again. I said it the other day to the radios that there are several groups of people and some people are behind

these groups. We are monitoring this, so they should not jump up and down when they get arrested under the Prevention of Terrorism Act, because that is also possible. That is why I mentioned it today.

Mr Bérenger: I would wish to place on record my appreciation of the way the Police acted in our Constituency in that incident at Stanley. They did a great job in difficult circumstances, but elsewhere, for example at Candos, I am given to understand there was Police around, but there was no Police action. Will the Commissioner of Police tell his men - I know it is not always easy - that they have to act the way they acted in Stanley? They acted firmly, but with all the required tact, and they prevented a dangerous situation from deteriorating. But elsewhere, the Police do not act for this or that reason. Can I ask the hon. Prime Minister whether he will raise the issue with the Commissioner of Police and see to it that the Police act in whatever circumstances where such incidents take place?

The Prime Minister: In fact, I have mentioned that to the Commissioner of Police myself, Mr Deputy Speaker, Sir. It is a good example that the hon. Leader of the Opposition has given and it shows where you have good men, there are good results. In fact, there is going to be a passing out parade for new recruits. I have insisted that I am going to address them - I usually tend to let others do it - to make it clear to them that if they are wearing a Police uniform, there is a responsibility which goes with that uniform and they cannot expect people to respect the Police if they, themselves, are not doing a job as a Policeman. And if there is dereliction of duty by the Police officer, whoever it may be, he will have to bear the consequences. I know it depends on the Discipline Forces Commission to take the action, but they have to bear the consequences. They cannot expect automatic promotion. I don't believe in it. I am saying it loud and clear: if they do not do their job, they cannot expect to get promotion. I'll give an example. I think it was hon. Guinness who raised the issue. Do you remember, there was an old lady who was raped; she went to Bel Air Police station and she was told to go and have a shower and then to rest. That Police officer had his name on the list for promotion. What am I going to do? I am not the one who does the promotion, but I have to draw the attention of the Police that such people cannot get promoted. This is what happened because we had to send a note to the Disciplinary Forces Commission to remind them what he did. As the Leader of the Opposition has rightly said, it shows where there are good people, they act. I have also drawn the attention of the Commissioner of Police of what happened at

Candos because there were Police there. Why is it that we have no information from the Police on what they actually did there? This is being inquired into, I can give the guarantee to the Leader of the Opposition.

Mr Bérenger: Mr Deputy Speaker, Sir, we have both been wrong. The hon. Prime Minister mentioned Trèfles, I mentioned Stanley, probably, under the influence of the hon. Minister of Finance who referred to Stanley recently. In fact, we are both wrong, it's Plaisance. It's at Plaisance, not far from Trèfles, that the incident took place. Concerning the incident at Candos hospital, I see that some of those who organised the incident had the cheek to say that they had obtained permission from the competent authorities. Can I request the hon. Prime Minister whether he has checked with both the Police and the hospital authorities that, of course, no such authority was granted to these people?

The Prime Minister: In fact, I have checked. No such authority was given by anyone. But I must draw the attention of the House that two members of the Voice of Hindu did go and see the Regional Director at 9.30 in the morning to ask him that people have been complaining in the locality about this distribution of methadone and could he stop it. He told them no and then they left immediately afterwards. There were only two persons of Voice of Hindu there; whether that is taken to be authority or not, I don't know.

Mr Bodha: I believe that the nation will appreciate the firm stand taken on both sides of the House today. May I come to the incident at the Candos hospital? The incident took place on Friday 27 June. May I ask the hon. Prime Minister whether there have been any arrests in that case?

The Prime Minister: Concerning the incident at Candos, what is happening, Mr Deputy Speaker, Sir, is that, as I said, the Regional Director says, among the thirty people who were there, he can identify some of them. As for the first two people who went to see him, there was no question of arrest, because they just went to see him and asked for the stopping of the distribution of methadone. As for the other thirty people who came in his office, he says that he can identify; he will be able to identify. That is what he says and an identity parade is being organised by the Police so that he can identify. But, in other cases, there is a difficulty of identification.

Mr Bhagwan: I think this question comes at the right time. We all do care for public security. At this point of time, can we have the commitment from the Prime Minister, whoever it may be, that the Commissioner of Police would be given clear directives that no interference – I am not pinpointing anybody – from anybody should be tolerated, should be accepted? Whenever these recidivists are caught, there should be no intervention for them to be released, to be given facilities. We all know one recidivist has spent most of his time at Brown Sequard hospital.

The Deputy Speaker: The hon. Member has made his point.

Mr Bhagwan: This does not give confidence to the public. What we need is to give confidence to the public and this is what is being done today.

The Prime Minister: The hon. Member is quite right. I have already said this over and over again. Some people declare themselves to be *tappeurs* – I found that amazing - and when they are arrested, they fall ill; they get heart problems, they collapse. What kind of *tappeur* is this? He falls ill as soon as he is arrested by the Police. These are poltroons, in other words. They have to face the consequences. In fact, I did not want to say so much in the House, but I must say that I have queried doctors who are giving people certificates as if they are ill and all this. This will not be tolerated, not accepted and they will be reported because it cannot be that one doctor says the person is quite fit and another doctor comes and says as if the person is about to die.

(Interruptions)

The Prime Minister: Yes, but they have to take their responsibility. One dies only one death, Mr Deputy Speaker, Sir. Only cowards die many deaths.

Mr Lesjongard: Mr Deputy Speaker, Sir, may I ask the hon. Prime Minister whether at the level of the Police authorities there is some sort of profiling done with regard to such organisations? For example, with regard to their financial capabilities, to training somewhere on the island or whether there is a constant monitoring being carried out by the security services in the island with regard to these organisations?

The Prime Minister: We have unfortunately to stay within the parameters of the law. But, in fact, I should have mentioned it earlier, we

need also a good information service to be able to track those things down. I must say I have asked for additional help on this. We need to have more help to get information at the right time.

Mr Bodha: Mr Deputy Speaker, Sir, may I ask the hon. Prime Minister whether he is aware that some of the witnesses at Victoria Hospital have made statements that they have been receiving threats, that there has been some sort of a campaign of intimidation to prevent them from coming forward and making the right complaint and to say that these people were involved?

The Prime Minister: They must not be too afraid. I know the Commissioner of Police is looking into this. As the hon. Member is mentioning threats, I should also add that we have asked when identification parades are done, that there is the two-way glass system so that people cannot see who is actually identifying them.

Mr Jhugroo: Mr Deputy Speaker, Sir, after the incident at Victoria Hospital, does the hon. Prime Minister consider installing CCTV cameras within the premises of all hospitals?

The Prime Minister: That is a possibility that we can look at. We cannot put it everywhere, but we will certainly look at that.

Mr Barbier: Mr Deputy Speaker, Sir, with regard to the incident at Victoria Hospital, may I know from the hon. Prime Minister whether none of the Police officers on duty there on that day has been able to recognise any of the people taking part in the demonstration? There were Police officers on site, how come that none of these Police officers has been able to recognise at least one of these people?

The Prime Minister: I think some of them had things on their faces and, apparently, from what I hear - that is why I keep saying it is not only the Voice of Hindu - there are other groups as well who were involved.

Mr Lesjongard: Mr Deputy Speaker, Sir, may I ask the hon. Prime Minister whether he can confirm - because we have heard it - that such organisations get protection money from various sources on the island?

The Prime Minister: I did not mention protection money. I think the hon. Member himself asked the question about profiling and I said that: we will look into that. But I did not say there is protection money. I am not aware of this.

Mr Dowarkasing: Mr Deputy Speaker, Sir, may I know from the hon. Prime Minister, besides all the measures that he has announced, whether an inquiry also has been conducted to know how these illegal arms and weapons are being smuggled into the country?

The Prime Minister: Whether they are smuggled or not, the inquiry is going on. It is not just firearms, but there are other weapons as well, as the hon. Leader of the Opposition said; weapons that are actually new in Europe, not even all the Police Stations in Europe have these. I myself made a request from the French President but, apparently, one of these weapons was found here among these.

Mr Bérenger: I heard the hon. Prime Minister, but can I ask him again to give a guarantee to the House and to the country that there will be no discrimination, no pinpointing, any group, whatever be their *fréquentation* or their political colours, that takes the law in their hands or uses firearms and other weapons will be taken to task immediately and firmly?

The Prime Minister: I can give a thorough guarantee to the hon. Leader of the Opposition. In fact, he is right; he has also been a former Prime Minister, he knows. You cannot govern a country if some people think they can get protection and they will be allowed to do things. This cannot happen. No Prime Minister should allow this and he knows, he has occupied that position, and I have also said to the Commissioner of Police not to look at anything else. Whoever thinks they can take the law in their hands, let me make it clear - maybe it is an opportunity to make it a message to those who think that maybe they can get some kind of protection – that they will get no protection and if I can send them to jail for a very long time, I will do it.

The Deputy Speaker: Time is over!