The Leader of the Opposition (Mr P. Bérenger) (By Private Notice) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the situation in the prisons and the last Sunday’s mutiny at the Grand River North West Prison, he will, -

(a) for the benefit of the House, obtain from the Commissioner of Prisons, information as to –
   (i) the number of prisoners still at large,
   (ii) if the Close Circuit Television (CCTV) system at Grand River North West Prison was fully operational,
   (iii) if offensive weapons used during the mutiny had been manufactured by the prisoners;
   (iv) whether high-risk detainees were involved; and

(b) state the measures being envisaged to address the issue of overpopulation and under-staffing.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Police, in consultation with the Commissioner of Prisons, that on Sunday 27 June 2010 at about 17 00 hrs, disturbances occurred at Grand River North West Prison which led to the escape of 34 detainees.

As indicated in the official communiqué released by my Office yesterday, I have had intense and in-depth consultations with the Commissioner of Police, the Commissioner of Prisons and officials of my Office and those of the State Law Office.

I instructed that an immediate Police Inquiry be initiated to look into all the circumstances of this case with a view to taking appropriate action. I have also directed that security measures at and within the Prisons and in the country be stepped up. These measures include -
(a) posting of a contingency of the SMF at Beau Bassin and Grand River North West Prisons;
(b) a unit of SSU has been stationed at Petit Verger Prison;
(c) the National Coast Guard and the Helicopter Unit have been placed on maximum alert and vigilance;
(d) 24 hour road blocks by the SMF are operational, and
(e) all the other units of the Police Force have been mobilised to trace and arrest the fugitives.

In regard to part (a) (i) of the question, I should like to point out that within less than 24 hours of the escape, the Police had already captured 15 fugitives that is yesterday. I take this opportunity to congratulate the Commissioner of Police and the entire Police Force on the prompt and expedient manner in which they have handled the situation so far. I am informed by the Commissioner of Police that, at present, there are 23 fugitives have already been captured and Police is actively engaged throughout the breadth and width of the country to capture the remaining 11. It is expected that the remaining fugitives will be captured within the coming hours.

Regarding part (a) (ii) of the question, I wish to inform the House that the CCTV System at Grand River North West Prison was first installed in 1997. However, the system was damaged during the 1999 riot. Some of the cameras were subsequently repaired and were functioning, but the whole system went out of order in 2004. Further repairs were effected to the system resulting in five cameras being operational.

In 2009, it was decided that the whole system should be scrapped and replaced. A consultant was appointed to advise on the fitting system to be installed at Grand River North West Prison. Tenders have been floated. A successful tenderer has already been identified and the contract is to be awarded shortly.

In regard to part (a) (iii) of the question, I am advised by both the Commissioner of Police and Commissioner of Prisons that no offensive weapons as such have been manufactured and used during the disturbances. However, in their escape attempt, the detainees laid hands on whatever objects that they could find in their hurry including stones, iron bars and sticks.
As regards part (a) (iv) of the question, I am advised that some high risk detainees were involved.

Mr Speaker, Sir, in regard to part (b) of the question, the maximum capacity of our Prisons is 2,135, but there are at present 2,395 detainees, of whom 799 are on remand. These figures do not suggest that there is an acute problem of overpopulation in our Prisons. However, I wish to point out that a more pressing issue is the relocation of the prison at Grand River North West.

One of the reasons for the high number of prisoners on remand awaiting trial in the past was the fact that criminal trials before the Supreme Court could only take place during Assizes Sessions. The law was amended in 2007 to allow the Supreme Court to hear criminal trials throughout the year. I must also point out that the Chief Justice has set up administratively a Criminal Division at the Supreme Court to hear and dispose of criminal cases more promptly. I wish here to express my deep appreciation to the Chief Justice and the Judiciary at large for these decisions.

Mr Speaker, Sir, a decision was taken in 2001 to construct a new prison and the then Government identified a plot of land at Rose Belle. Subsequently, in September 2004, that is, more than three years later, it was found by the then Government that the site identified at Rose Belle was not appropriate for a prison.

Following the identification of an appropriate site of some 37 arpents at Melrose in July 2005, action was initiated by the then Central Tender Board to appoint a Consultant to prepare designs and tender documents. It is expected that construction works would start in August 2010. The estimated cost of the new high security prison is Rs 1.4 billion.

Regarding the alleged understaffing of our prisons, I wish to point out, Mr Speaker, Sir, that the staff to inmates ratio for Mauritius, which is at present one officer to two inmates, compares with countries like New Zealand and the UK. For India it is one officer for seven inmates and for Singapore it is one officer for eight. As I said, in Mauritius, it is one officer for two inmates. Nevertheless, action has already been initiated for necessary amendment to be brought to the Schemes of Service of the various grades of the prisons service following the PRB Report and it is expected that all the vacancies will be filled shortly.
Mr Speaker, Sir, I have also requested the Office of Public Sector Governance to carry out a thorough organisational audit of the Mauritius Prisons Service which will also cover the important question of enforcement of disciplinary measures and action.

I have had lengthy discussions with the Commissioner of Police, the Commissioner of Prisons and the State Law Office on the appropriateness of a Commission of Inquiry to inquire into the escape of 34 prisoners from Grand River North West Prison last Sunday evening.

The conclusion reached is that since the Police is already investigating into the offence committed by the prisoners and possible offences including collusion and acts of negligence by Prisons Officers, there could be an overlap and possible legal or evidential obstacles to both investigations being carried out concurrently.

Witnesses and suspects interviewed or arrested by the Police could be tempted to invoke their right to silence to the Police or refuse to cooperate with the Police because of their eventual obligation to testify before a Commission of Inquiry. Furthermore, a Police investigation would have had, in any event, to be carried out anew into offences, if any, revealed during the proceedings of the Commission of Inquiry, as evidence given before a Commission of Inquiry cannot be used against an accused in a criminal case except in the case of perjury that is lying before the Commission. That is why I do not, at this stage, propose to set up such a Commission of Inquiry.

This being said, I should not be understood to imply that I am against the setting up of a Commission of Inquiry. Should the need be felt to do so after or during the police investigation, I would not hesitate to set up such a Commission of Inquiry. I will also to add that there have been Fact Finding Committees and Commissions of Inquiry in the past, and various aspects of the Prisons systems were inquired into and various recommendations were made and implemented.

Mr Bérenger: Can I know what damage the prison at Grand River North West has suffered? Have the authorities been able to put a value on the damages caused?

The Prime Minister: I am afraid, I have not been able to complete the exercise; they are actually in the process of doing so, Mr Speaker, Sir.
Mr Bérenger: Will the hon. Prime Minister agree with me that the authorities had been repeatedly warned that trouble was brewing at that prison?

The Prime Minister: We even had people saying that. But, in fact, we know that some people are complaining all the time in the prisons; that is the case.

Mr Bérenger: I am sure that the hon. Prime Minister is aware that, as from Sunday evening, there is a veritable psychosis in the country, people are very worried. The Prime Minister has listed the actions taken. Can I ask him what actions will be taken to reassure the population and cool things as far as this psychosis is concerned?

The Prime Minster: As I have said, Mr Speaker, Sir, I have explained all the actions and I can repeat them. I must say that the Police have acted very promptly, 23 fugitives have already been captured and the Police is actively engaged, as I said, throughout the country, to try to capture the remaining 11, and they expect to be able to capture them very soon. In the meantime, as I have said, I have taken all the contingency plans that we should in such a case, including, as I said, SMF being posted at both Beau Bassin and Grand River North West Prisons, a unit of SSU at Petit Verger Prison and also road blocks by the SMF, which is operating in a 24-hour basis. We have also mobilised the other units of the Police Force and we have also put the National Coast Guard and the Helicopter Unit on high alert - maximum alert, in fact - to see if anyone tries to leave the country.

Mr Bérenger: May I ask the hon. Prime Minister whether the Police is in presence of any report of crimes committed by those who have broken out of the jails since Sunday?

The Prime Minister: No, I don’t have such report, Mr Speaker, Sir.

Mr Bérenger: So far as the CCTV cameras are concerned, can I ask the hon. Prime Minister whether any cameras were working at the time of the mutiny at the prison and, if yes, did they manage to produce images?

The Prime Minister: There are two things, Mr Speaker, Sir. There has been a lot of damages, including two cameras, That is why we decided to scrap the whole system in 2009 and proceeded to have a tendering procedure because the cameras are not working as it should and, in fact, they can't even record so that we can use that later on. The screens are not good and they are breaking all the time; that is why the decision was taken in 2009 to go for a new camera system.
Mr Bérenger: The hon. Prime Minister said that there were no offensive weapons as such manufactured by the detainee. Does the hon. Prime Minister agree with me that the situation is unacceptable inside our prisons? Some prisoners are left free to do what they want. The hon. Prime Minister is aware that last Tuesday, he confirmed to us that at Beau Bassin Prison in the segregation and protection unit, which the hon. Prime Minister himself described as a highly protected area, nine detainees, including HC, were found in possession of mobile phones in that supposedly highly protected area. We can imagine what the detainees do in other not highly protected areas, including Grand River North West. Does the Prime Minister agree with me that urgent action needs to be taken to control all this?

The Prime Minister: I agree with the Leader of the Opposition that this is not a new situation. When the hon. Leader of the Opposition was Prime Minister himself, the same thing happened and I have records here in 2004.

(Interruptions)

I sympathise with him, I am not….

(Interruptions)

In 2004, this is what they said –

“Il brosse un même tableau, elles ressemblent plus à une ville du Far West qu’à un pénitencier. Des hors-la-loi ont instauré leur propre organisation : drogue, téléphone portable, comprimés»

What L’Express said in 2004……..

(Interruptions)

Look what the then hon. Prime Minister said …

(Interruptions)

Mr Speaker: Order! Order! Order, please!

(Interruptions)

The Prime Minister: I will quote what the hon. Leader of the Opposition said. Look at his response! I will quote L’Express -
« Il a comparé l’article. Il a dit qu’il existe des problèmes dans les prisons. Mais, il a déclaré que les faits rapportés sont exagérés. Il a annoncé une enquête de police sur le contenu du papier (c’est-à-dire « L’Express »). Il vient dire que le rapport de la NATReSA également est faux.»

(Interruptions)

What I am saying is that this situation is not new. It has existed. We are trying to redress the situation. That is why …

(Interruptions)

Yes, mutinies, encouraged by you, people!

Mr Speaker: Order!

The Prime Minister: Why is it that when the Labour Party is in power that there are mutinies? Because they are the people who encourage…

(Interruptions)

Mr Speaker: Order, please! Order, order!

The Prime Minister: Let me tell them, if anybody has in mind to try to mutiny again, they will see what the result will be this time! In fact, I can tell them that I am going to sign a Memorandum of Understanding with foreign countries if we have mutiny – what we will do - in this country.

(Interruptions)

Mr Bérenger: Mr Speaker, Sir, he cannot do his job!

(Interruptions)

Mr Speaker: Order!

Mr Bérenger: We have been informed, Mr Speaker, Sir, that high risk detainees were present in that prison, which is not the high security prison, which is a medium security prison as
catalogued. Can the hon. Prime Minister tell me how can that be, mixing high risk criminals in that place, with houses all around the place, including very dangerous characters who are still out there? How can this happen and how is this going to be stopped? How is Government, the Police, the Prison, going to sort out criminals and use the Prison of Beau Bassin, the three detention centres that now exist? How and when is this going to be sorted out?

The Prime Minister: I wish the hon. Leader of the Opposition would have carried out what I should have said and done instead of finding a place in Rose Belle in 2001, and then, after three years….

(Interruptions)

This is what their competency was about! In 2001, they identified a new prison plot at Rose Belle. Three years later they decided that this was inadequate after two tenders had been launched. A third tender was about to be launched and then…

(Interruptions)

That is the delay! And now they find it a delay!

(Interruptions)

No, but you have to have space! Where do you put the bloody prisoners? On your head!

(Interruptions)

Mr Speaker: Order! Let the hon. Prime Minister answer!

Mr Bérenger: I am not talking about Melrose. I am talking about three detention centres.

(Interruptions)

Mr Speaker: Order! Order! Order, please! There is no need for any provocation. I am appealing to both sides of the House. There is no need for any provocation. Please!

Mr Bérenger: I am talking about the detention centres. It seems the hon. Prime Minister does not make the difference between existing detention centres – there are three of
them and the Melrose Prison. But since he has said that, yes, technically, it was found three years later that the site had to be changed and it was changed. How can he explain to me six years later that work has not started at Melrose Prison? How can he explain that?

**The Prime Minister:** There are two things, Mr Speaker, Sir. The hon. Leader of the Opposition is mistaken. We are talking about remand prisoners, not prisoners who have been actually gone to the court and found guilty. They are remand prisoners, first of all.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** Remand prisoners, not already gone to court and convicted.

*(Interruptions)*

Nevertheless, they are remand prisoners! Secondly, as the hon. Leader of the Opposition said, himself, in 2001, they identified the plot. I understand that two times tenders have been called, the tenders recalled, etc. I won’t go through that again and it is only in 2004 that it was decided that the site had to be changed. I must tell you, Mr Speaker, Sir, that it is on 18 April 2005 that they decided to change and to find new sites; again, they had problems with FUEL which did not agree with the site and again later on. It is only in July 2005 that a plot of 32 *arpents* was identified and has been vested in my Office later on and there is a whole procedure of having to call for tender, of having to appoint the architect and all these things. This is the procedure.

*(Interruptions)*

**Mr Bérenger:** Five years later! Mr Speaker, Sir, I listened to the hon. Prime Minister…

**Mr Speaker:** The hon. Prime Minister has given the reasons why.

**Mr Bérenger:** I was very surprised to hear the hon. Prime Minister say that there is no problem of overpopulation in the prisons. Then, can I ask him, in the Government Programme 2010-2015, how come that in the Programme itself, I read and I quote, Mr Speaker, Sir -

“To overcome the problem of overpopulation in the prisons, Government will finalise the construction of a new high security prison at Melrose.”
Can I ask the hon. Prime Minister, which is which? Today, we are told that there is no problem of overpopulation. In the Programme which I just read, it is stated that there is a problem of overpopulation.

(Interjections)

Mr Speaker: Order!

The Prime Minister: There are two things, Mr Speaker, Sir. The hon. Leader of the Opposition did not listen carefully. There is relatively no overcrowding in the prisons. I have just mentioned the figures. The figures are there but, in spite of that, we want to make sure that we have more space for the prisons. Let me remind the hon. Leader of the Opposition what he said in 2003 when he just became Prime Minister. He said -

“The House will be glad to note …”

(Interjections)

Mr Speaker: Order!

(The Interjections)

The Prime Minister: No! The hon. Leader of the Opposition has to listen to what he said in 2003!

“The House will be glad to note that the problem of overcrowding which existed in our Prisons some time ago is now behind us.”

(Interjections)

That is what he said!

Mr Bérenger: Nothing done during five years! Can I know from the hon. Prime Minister whether he had received the letter from the Prison officers at the beginning of this year – a memorandum – listing problems and warning that troubles lie ahead? What were the main issues raised and what action was taken?
The Prime Minister: Letters which are sent to me and then copied to other people, I throw in the bin. If they want to send me a letter, they should send it to me and they don’t copy it to the press, to ‘X’, ‘Y’ and ‘Z’. But, nevertheless, the Commissioner of Prisons is aware of these things. Lots of the complaints are unjustified - some of them are, we don’t say all of them are. We have a problem in the sense that when we try to put order - and I said before, the Commissioner of Prisons is a man who is very determined to put order in the prisons - but, as usual, when somebody tries to put order, we get all sorts of complaints. I will give an example. They wanted to watch television during the World Cup. Is this acceptable in a prison? When he says ‘no’, we get people who complain.

Mr Speaker: Let me go to the three hon. Members who have signalled their intention to put questions and then come back to the hon. Leader of the Opposition! Hon. Bhagwan! Only three Members, because time is running out.

Mr Bhagwan: Being given that the hon. Prime Minister, who is the Minister of Interior - he, himself, tends to forget that he has been and is Prime Minister and this is his third mandate as Prime Minister - can I…

(Interruptions)

Mr Speaker: Order! Let me listen to the question!

Mr Bhagwan: Can I ask the hon. Prime Minister, who is also the Minister of Interior, to give the assurance to the country that there won’t be any repetition of such type of prison break in the coming months, because il n’y a jamais deux sans trois? This is policy now!

(Interruptions)

Mr Speaker: Order! Yes, hon. Prime Minister!

The Prime Minister: We can take action that we want take, Mr Speaker, Sir, including shooting prisoners who try to leave the prison, including that. This is coming.

Mr Speaker: Order!
The Prime Minister: But I cannot give a guarantee. In America, there are prison breaks. In England, there are prison breaks. So what, Mauritius is super power?

(Interruptions)

Mr Speaker: I said three only! Hon. Lesjongard and then hon. Baloomoody and then back to the hon. Leader of the Opposition!

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Prime Minister what mode of communication do the prison officers have within the prison premises while they are on patrol?

The Prime Minister: I believe they have a system of walkie-talkie in the prison which was working in spite of what we hear and also other systems of communication that they have. The walkie-talkie was working; this is what I am told.

Mr Baloomoody: The hon. Prime Minister just stated that the Grand River North West Prison is only for remand.

The Prime Minister: No, I did not say that.

Mr Baloomoody: But, is he aware that the National Human Rights Commission in its report has, on several occasions, made recommendations that the practice of mixing convicted detainees to remand detainees should be reviewed? It made recommendations regarding the Grand River North West Prison where it said that the situation is very difficult for remand detainees and it stated in its report that we should not mix the practice of remand and convicted prisoners. May we ask Government what action has been taken to ensure that remand prisoners are not mixed with convicted prisoners?

The Prime Minister: That is why I said – and I think that is where the misunderstanding is – that we need to build other prisons. The Melrose prison will be very appropriate for this, because then, we can separate them. We must have space.

Mr Bérenger: Mr Speaker, Sir, can I be allowed to put my last questions. One is: will the hon. Prime Minister agree with me that, unfortunately, Police is part of the problem as far as overpopulation in the prisons is concerned? Will the hon. Prime Minister take action so that inquiries by the Police with people staying in remand will not take years and years? The case of
Monvoisin, I am informed! And that this adds to the pressure for mutiny, for disorder in the prisons. Will the hon. Prime Minister see to it with the Commissioner of Police that all those inquiries are expedited?

**The Prime Minister:** I always say that. As the hon. Leader of the Opposition knows - he has been Prime Minister - I can only give general directives on policy. Operational procedures controlling the operations are with the Commissioner of Police very strictly, but I always say to them – whoever was Commissioner of Police before as well – that we need to expedite matters.

**Mr Bérenger:** Replying to a Private Notice Question on 30 March 2010 - quite recently - on the law and order situation and the situation in the prisons and replying only last Tuesday to a Parliamentary Question on the situation in the prisons, the hon. Prime Minister gave the impression that everything was fine, everything was going smoothly and so on. The hon. Prime Minister should re-read it, I read it carefully. Would the hon. Prime Minister agree with me that he was wrong and that what is required is urgent action to set things right inside the prisons, give the manpower required and take all the decisions that need to be taken concerning not only Grand River North West, but also Beau Bassin?

**The Prime Minister:** That is precisely what I said, Mr Speaker, Sir. I never said that everything is rosy in the country; everything can never be rosy in any country anywhere in the world. So, this is not the case. This is what I said at the end, that we are, in fact, we are carrying out an organisation audit of the prisons service. This is being done at the moment and this will also cover the important question of enforcement of disciplinary action.

**Mr Speaker:** Hon. Ganoo! There are two minutes left.

**Mr Ganoo:** Doesn’t the hon. Prime Minister consider that one of the problems linked to the whole issue, although he seems to be complacent about the numbering prisoners in remand, by arguing that now that the law has been changed, the Supreme Court can sit all year round, there is no problem of prisoners on remand. But this is not the case, because there are other accused parties awaiting trial before the Intermediate Court or the District Courts and this is the problem. People are waiting for two or three years before being charged formally and brought before Court. This is one of the main reasons of overpopulation. As the hon. Prime Minister
said, there are 700 prisoners now at Grand River North West Prison. Had this problem of speedy justice been resolved, there would not have been so many prisoners on remand and this is one of the key problems linked to overpopulation in our prisons and our criminal justice system today.

**The Prime Minister:** In fact, this is precisely what I have been saying. This is why I talked to the hon. Chief Justice to see whether we can accelerate the whole procedure because, as the hon. Member said, it is taking too long. We all agree with this. I thank the hon. Chief Justice and the Judiciary at large. They have accepted to have the Assizes to meet for criminal trials all the year round. It was not done before 2007. The hon. Member is a Barrister, he should know it.

*(Interruptions)*

**Mr Speaker:** Hon. Baloomoody, can you keep quiet, please!

**The Prime Minister:** That is what is being done, but this is a situation that happens not just here, but in other countries as well.

**Mr Speaker:** The Table has been advised that Parliamentary Question 1B/147 has been withdrawn. The Table has further been advised that Parliamentary Question 1B/145 addressed to Dr. the hon. Prime Minister will be replied by the hon. Attorney General and the Parliamentary Question 1B/214 addressed to the hon. Minister of Gender Equality, Child Development and Family Welfare will be replied by Dr. the hon. Prime Minister. Questions addressed to Dr. the hon. Prime Minister! Hon. François!