

# Debate No. 17

## Private Notice Questions - 11 May 2003

### PRISONS – HARASSMENT, DRUGS, GAMBLING, ETC

**The Leader of the Opposition (Dr. N. Ramgoolam)** (*By Private Notice*) asked the Prime Minister and Minister of Defence and Home Affairs whether, in regard to the situation in our prisons over the past 6 months, he will state -

(a) whether cases of -

(i) physical and sexual harassment and abuse,

(ii) drug abuse, supply and trafficking, and

(iii) gambling,

involving detainees and/or staff have occurred;

(b) whether corrupt practices and breaches of the law and discipline have taken place, and

(c) whether any inquiry has been instituted and, if so, will he give details thereof and the remedial actions, if any, taken.

**The Prime Minister:** Sir, during the past months, a number of measures has been taken to improve the situation in our prisons. These include -

struction of an additional wing at Beau Bassin Prison and the proposed construction of a new prison at Rose Belle.

nsfer of prisoners from one prison to another to resolve the problem of overcrowding.

gulating time of visits and regulatory introduction of private meals to remand prisoners.

ing of vacancies and creation of additional posts in the Prisons Department to improve efficiency. 61 new recruits have joined in the prisons services and a selection exercise is under way to fill the remaining 16 vacancies.

crease of surveillance through Close Circuit TV Camera at La Bastille, Beau Bassin and Grand River North West Prison.

(6) Additional support by the Special Mobile Force.

Inspection team comprising, Mr Shanmugham, Security

Adviser, Mr Servansing, Deputy Commissioner of Police and other officers of the Prime Minister's Office have been carrying out regular inspections in the different prisons.

I wish also to refer the hon. Leader of the Opposition to the details provided in reply to PQ B/130 and PQ B/165 concerning safe custody of detainees and the security of Prison Officers; and overcrowding in Prisons.

Mr Speaker, Sir, following Cabinet decision of 12 September 2002, and in order to tighten security in the Prisons and Correctional Institutions, I have set up a Prisons Monitoring Committee under the Chairmanship of the Secretary for Home Affairs and comprising, *inter alia*, the Commissioner of Police, the Commissioner of Prisons, the Security Adviser, the Commanding Officer, Special Mobile Force and the Director General, National Security Service to review and monitor the situation at the prisons on a regular

basis and also to look into matters brought to the attention of the Committee by the Intelligence Service and the Media.

Mr Speaker, Sir, at no time during the course of the meeting of the Committee which started to meet in September 2002, did the representatives of the Prisons Department apprise the Committee of -

physical and sexual harassment and abuse

drug abuse, supply and trafficking

gambling

corrupt practices and breaches of law and discipline

many cases of serious irregularities or breach of the law and discipline.

As a matter of fact, in a letter dated 06 May 2003 from the Commissioner of Prisons, my office was informed as follows. I quote -

"Such problems do not exist. The allegations made are false and unfounded. Security, Discipline, Supervision and Control can be said to be under constant scrutiny by Supervising officers. Appropriate remedial action is being initiated in case there is any departure from the existing rules and regulations in the Prison. It is important to underline that security has been re-enforced by the installation of the close circuit Television Network and the posting of Trainee Prison Officers to perform on the job training along with their senior colleagues." Unquote

However, following various newspaper articles on such occurrences, I have instructed the Commissioner of Police to carry out a thorough investigation and report to me in due course. The investigation is under way. I wish to inform the House, in no uncertain terms, that, should the inquiry reveal any lack of control or tolerance of indiscipline by those concerned, appropriate disciplinary action including dismissal would be contemplated against any officer, irrespective of rank.

**Dr. Ramgoolam:** I would like to ask the Rt. hon. Prime Minister whether in fact he has been apprised of the shocking photographs that have been published in the papers, especially *'5-Plus'*, copies of which I am laying on the Table. Is he aware of what is happening in the prisons?

**The Prime Minister:** I have seen, just like the Leader of the Opposition, what the newspaper has published. But whether it is founded, I cannot say.

**Dr. Ramgoolam:** Can the Prime Minister confirm whether the Commissioner of Prisons has said that these photographs have been falsified through computer manipulation?

**The Prime Minister:** Whether the Commissioner of Prisons has said that?

**Dr. Ramgoolam:** Yes.

**The Prime Minister:** Not to me, anyway!

**Dr. Ramgoolam:** Is there any reason to doubt that these photographs are true?

**The Prime Minister:** The inquiry is on since six weeks. I am waiting for the report.

**Dr. Ramgoolam:** The Prime Minister said that the Commissioner of Police is making the inquiry. The inquiry has been going on for six weeks, but these photographs have continued to be published within those six weeks. Can he say whether they have contacted the newspaper to see whether these photographs are false or not?

**The Prime Minister:** I am sure the Commissioner of Police will take such initiatives.

**Dr. Ramgoolam:** Is the Rt. hon. Prime Minister saying that he is not aware of any gang or ring leaders operating in the prisons?

**The Prime Minister:** I am not aware of any gang or ring leaders operating in the prisons. I have not been made aware of it, anyway.

**Dr. Ramgoolam:** What explanation does he have for the mutiny that took place at the Central Prison of Beau Bassin?

**The Prime Minister:** Has there been a mutiny?

**Dr. Ramgoolam:** There was a mutiny. I think there was a PQ which was put by hon. Beebeejaun.

*(Interruptions)*

**Mr Speaker:** Order, please!

hon. Prime Minister find out the reason for the mutiny?

**The Prime Minister:** The reason was that a prisoner was misbehaving, he climbed somewhere and he fell down. He got injured. Other prisoners thought that he was beaten, they grew vexed and they tried to use some force. But that was quashed.

**Dr. Ramgoolam:** What about the prisoner called Trivengadam Mooneeswamy who was beaten up and had 8 sutures to his head because there was a gaping wound which was bleeding. Does he know about it?

**The Prime Minister:** I need notice. I am not aware of that, Sir.

**Dr. Ramgoolam:** Is he aware that the Prisons are saying that he suffered from epilepsy and that he hurt himself by falling and needed to have 8 sutures?

**The Prime Minister:** If the Leader of the Opposition had been told so, it may be.

**Dr. Ramgoolam:** I would have thought as the Minister responsible for prisons the Prime Minister would be aware if there is something like this going on. It is very unlikely that somebody would fall, have an epileptic fit and needed to have 8 sutures, because there was a gaping wound. Can I ask him whether proper searches are being carried out on a regular basis?

**The Prime Minister:** I said it in the answer.

**Dr. Ramgoolam:** Is he aware that strip searches are being effected by junior officers or temporary Prison Officers on Prison Officers of Grade I and II only and not on the others?

**The Prime Minister:** I did not catch the question.

**Mr Speaker:** Would the Leader of the Opposition repeat the question, please?

**Dr. Ramgoolam:** Is the hon. Prime Minister aware that strip searches are being carried out by temporary Prison Officers only on Grade 1 and Grade 2 Prison Officers?

**The Prime Minister:** I am not aware. I will try to find out. I don't see why searches have to be carried out only on two grades. If there are searches, it should be carried out on everyone.

**Dr. Ramgoolam:** I thank the hon. Prime Minister for this answer, because the gist of my question is that it should be done on everyone. Can I ask him whether he has been made aware of unlawful gambling at all in the prisons?

**The Prime Minister:** Not so far, Sir.

**Dr. Ramgoolam:** Has he been made aware that, drug, namely heroin, is being openly used in prison?

**The Prime Minister:** I am not aware that such a situation exists in prison. Anyway, I have to rely on what the Commissioner tells me.

**Dr. Ramgoolam:** I totally agree with the Rt. hon. Prime Minister. I am not saying otherwise. I am just asking whether he is aware. Of course, he cannot be aware of what he has not been told.

**The Prime Minister:** I take cognizance of what I am told officially, not what newspapers and other people go bragging about.

**Dr. Boolell:** Mr Speaker, Sir, we are talking of organised crime syndicate, deterioration in prison services, increase in sexually transmitted diseases, overcrowding, the number of people occupying one cell. Can I ask the hon. Prime Minister...

*(Interruptions)*

**Mr Speaker:** Hon. Dr. Boolell, can you take your seat? I said, so many times, that this is question time. I allowed you lay some basis for your question, but now you are making a speech. Can you put your question, please?

**Dr. Boolell:** Can I ask the Prime Minister whether, for the reasons I have given, the Minister of Social Security was relieved of the duties of prison services? Can he inform the House as to whether unscheduled visits were made by the Minister?

**The Prime Minister:** Such changes do take place from time to time in the administration, Sir.

**Mr Abdoola:** May I ask the Rt. hon. Prime Minister whether the situation in our prisons has deteriorated because of failure to recruit adequate staff during the past few years?

**The Prime Minister:** That has been a real handicap, Sir.

**Dr. Ramgoolam:** Can I ask the Prime Minister what training is being offered to the recruits? Because that has been the basic problem, even in the Police Force, and he knows it. It is not just a question of recruitment. It is a question of training them to do the job. What is the actual training being given to Prison Officers?

**The Prime Minister:** I understand they are being trained on the job.

**Dr. Ramgoolam:** Can I ask for how long the training is taking place? What is the period of training?

**The Prime Minister:** I will have to find out that information.

**Dr. Ramgoolam:** That is precisely what is the problem. They are recruited and not trained properly. Agents are being recruited to do the job in prison, which they cannot do, and then you have this total failure and breakdown of law and order in the prison. That is the problem.

*(Interruptions)*

**Mr Speaker:** Order!

**The Prime Minister:** If they had been trained properly for 4½ years, the hon. Member would have had nothing to complain about.

**Dr. Ramgoolam:** For 13½ years, under the previous Government, there has been no training either in the Police or in the prisons. That is why we had to stop recruiting and start new training.

**Mr Dulloo:** Mr Speaker, Sir, we have been putting a series of questions before this House, and each time we have been given the same reply. May I ask the Rt. hon. Prime Minister whether any formal inquiry has been set up, and if so, when? He said that he has referred the matter to the Commissioner of Police for inquiry. I would like to know whether any formal inquiry has been set up, with specific terms of reference, to look into the situation prevailing in the prisons.

**The Prime Minister:** The inquiry that the Commissioner of Police is conducting is a formal one. Of course, all the issues that have been brought about by the press are being considered and an inquiry is being carried out.

**Mr Dulloo:** As a result of the newspapers' publication and the various matters raised before this House concerning the situation prevailing in the prison, may I ask the Rt. hon. Prime Minister whether he has discussed with the Commissioner of Prisons, including the question of gambling, drug presence and proliferation, and also various abuses being done by prisoners?

**The Prime Minister:** When that has been brought about to the notice of the public in the press, I have asked the Commissioner of Police to inquire and find out whether it is substantiated.

**Dr. Chady:** With regard to overcrowding in prisons, this question has been raised a few times at adjournment time and by way of PQs. Could the hon. Prime Minister give details or table information about the capacity of each prison and the number of detainees? Because there is a reason behind.

**The Prime Minister:** We will certainly do it, Sir.

**Mr Dulloo:** The hon. Prime Minister said that he did not raise specific matters with the Commissioner of Prisons. May I ask him, therefore, whether he is aware that there is now organised clans operating under the leadership of what is known as pashas or commandants, and that they are operating drug trafficking, gambling and are also monitoring the prison, depositing money in bank from the prison?

**The Prime Minister:** I have already answered that, Sir.

**Dr. David:** Mr Speaker, Sir, the Rt. hon. Prime Minister informed the House that physical, sexual harassment and abuse do not exist in prison. This is what, at least, he has been made aware of. He said, and I quote –

"Such problems do not exist".

Now, that he, himself, has initiated actions for an inquiry, does he not feel that he has been misled by that Committee, and that there are so many problems that never reached him?

**The Prime Minister:** The result of the inquiry will show.

**Mr Dulloo:** May I ask the Rt. hon. Prime Minister whether he was aware of an incident which occurred on 14 February 2003, on St. Valentine's Day, when a prisoner went on top of the roof of the prison and threatened to throw himself - and this created disorder in the prison - because he owed so many cigarettes by way of gambling and other transactions that had occurred? He was being compelled to be *sodomised*, in order

to be able to settle his cigarette debts. Has an inquiry been carried out and has it been found out that this was the reason of the havoc created in prison on 14 February 2003?

**The Prime Minister:** This has not been brought to my notice, yet, Sir.

**Dr. Boolell:** Will the Prime Minister inform the House as to the number of times the Prison Monitoring Committee met, and whether that Committee intends to submit an interim report?

**The Prime Minister:** I cannot say how many times the Committee met. If notice is given, I will find out the information.

**Dr. Boolell:** Will the Prime Minister state whether a crime survey has been conducted to find out the reasons as to why there are so many offenders in prison?

**The Prime Minister:** I am sure the inquiry will reveal everything.

**Dr. David:** Has the Rt. hon. Prime Minister been made aware of the number of victims of AIDS in prison?

**The Prime Minister:** AIDS is under control not only in prison but in the country. But, if there are people with AIDS in prison, they must have got it before they went to prison.

**Dr. David:** My question is very specific and very serious. Does he know the number of AIDS carrier in prison at the moment?

**The Prime Minister:** There is a co-ordinating committee, chaired by the Deputy Prime Minister, of which, apparently, hon. Dr. Boolell is a member. They are looking into that.

**Dr. David:** Mr Speaker, Sir, from all the answers given, it is very clear that the Prime Minister does not know what is happening in prison. How can he be responsible for that department?

*(Interruptions)*

**Mr Dulloo:** May I ask the Rt. hon. Prime Minister whether prisoners serving penal servitude are entitled to extra remission and are allowed to be given overtime, to have direct access to the mess, to the keys, and to work outside the compound also? Are prisoners serving penal servitude entitled to have all these facilities?

**The Prime Minister:** As I said, the inquiry will reveal whether all these things are taking place in the prison. I have said that I am not aware of that.

**Mr Dulloo:** My question was about the normal discipline at the prison. I wanted to know whether prisoners serving penal servitude are entitled to this. If the hon. Prime Minister would have to inquire, therefore, may I ask him whether he is aware that those prisoners who are not entitled to have certain facilities are having access to the keys, to official duties and record books and are running the show, deciding who would be entitled overtime, and this with the complicity, if not tacit permission, of high prison officers?

**The Prime Minister:** Mr Speaker, Sir, I repeat what I read from the letter that was sent to us at the office by the Commissioner of Prisons. I read it again -

"Such problems do not exist. The allegations made are false and impounded. Security, discipline, supervision and control can be said to be under constant scrutiny by supervising officers. Appropriate remedial action is being initiated in case there is any departure from the existing rules and the relations in the prison. It is important to underline that security has been reinforced by the installation of close circuit television

network and the posting of trainee Prison Officers to perform on-the-job training along with their senior colleagues."

**Dr. Chady:** Mr Speaker, Sir, the Prime Minister has said that an inquiry by the Police is ongoing. Since those things must be happening, does he not think that there should be an independent inquiry presided over either by a sitting or a retired Judge?

**The Prime Minister:** I trust my Commissioner of Police.

**Dr. Ramgoolam:** Mr Speaker, Sir, can I ask the Rt. hon. Prime Minister him whether the previous Commissioner of Prisons - who is now the Security Adviser in his office - forms part of the inquiry team?

**The Prime Minister:** He does not form part.

**Dr. Ramgoolam:** The Prime Minister said that the inquiry has started six weeks ago. Is there not even a preliminary report yet? Because if what the papers have been publishing is true, it is very, very serious.

**The Prime Minister:** I have not asked for one. I am waiting for the full report.

**Dr. Ramgoolam:** How long will it take?

**The Prime Minister:** I'll have to find out.

**Dr. Ramgoolam:** This inquiry has been starting since six weeks. Can I ask him whether he knows that the photographs published, especially by 5-Plus, have been taken by the Police to have a look at the authenticity?

**The Prime Minister:** I may find out.

**Dr. Ramgoolam:** Is he aware whether there has been any threat to Prison Officers themselves in the prison?

**The Prime Minister:** As I said there was one incident that was mentioned. The prisoners grew vexed and they tried to use force. I have said that, but order was restored immediately.

**Dr. Ramgoolam:** What has been reported is that there were threats to the Prison Officers in the way of kidnapping and things like that.

**The Prime Minister:** Nobody has been kidnapped so far!

**Dr. Ramgoolam:** We should look at the possibility, whether this is true or not. I hope the inquiry will look into that. Since this has taken six weeks, there is no preliminary report, there is a direct contradiction from what the papers - I am laying them on the Table of the Assembly so that they can be part of the procedure - are saying. What the papers are saying is shocking and there is contradiction with what the Commissioner of Prisons is saying and I am sure the Prime Minister agrees. Does he not think it would be better, in case there is an attempt to cover up, to set up a fact-finding committee with a sitting or retired Judge to look into the matter properly?

**The Prime Minister:** The inquiry that is being carried out will look into all the facts. It is going to be a fact-finding committee. So, I do not see any reason why I should have another inquiry.

**Dr. Ramgoolam:** I am saying that to the Rt. hon. Prime Minister because we've seen what has happened in the past. This is in very direct contradiction when he says there is nothing like this happening: no drug abuse, no sexual harassment, no trafficking, no illegal gambling which is in complete contradiction with what "5-Plus" has published. Does he not think that there is a danger of trying to cover up and it should be better for

everybody, including the Commissioner of Prisons to have an independent inquiry with a retired Judge, for example?

**The Prime Minister:** Mr Speaker, Sir, if these allegations are founded and the inquiry comes with the report proving them, the Commissioner of Prisons and even some of his immediate collaborators will have to pay the consequences.

**Mr Dulloo:** Is the Rt. hon. Prime Minister aware that since the publication of these articles in the press, certain films from the CCTV of the prisons have been destroyed? Those films show clearly prisoners consuming drugs and doing certain other illegal activities.

**The Prime Minister:** It is the first time that I am learning about that.

**Dr. David:** Mr Speaker, Sir, will the Rt. hon. Prime Minister tell us whether it is a committee inquiring on these events or a one man exercise?

**The Prime Minister:** For the Commissioner to carry out an inquiry he must surely be using his men.

**Dr. David:** Can we therefore know the members of that committee?

**The Prime Minister:** I need notice of that question. I will give you the names.

**Mr Dulloo:** May I ask the Rt. hon. Prime Minister whether recently the Commissioner of Prisons was asked to take certain leave pending certain matters being looked into? And one of the problems in the prisons has been overcrowding and that the whole system of sentencing policy should be looked into in order to reduce the pressure in prisons.

**The Prime Minister:** The Commissioner of Prisons had taken leave and nobody had asked him for any particular reason. He himself had taken leave to which he was entitled. About sentencing policy and all that, that is a very different matter.

**Dr. David:** Mr Speaker, Sir, will the Rt. hon. Prime Minister tell us whether he has been made aware that a fortnight or three weeks ago, a prisoner was threatened to be hanged at Beau Bassin?

**The Prime Minister:** No, Sir.

**Dr. Ramgoolam:** I just want to emphasize the point I made, because I heard the Rt. hon. Prime Minister rightly say - I am not saying that he is saying the wrong thing - that if anybody is found guilty, including the Commissioner of Prisons for dereliction of duties, he will take action. But the danger is that he will not find these things, because there has been an inquiry since six weeks. All the photographs have been published by "5-Plus", other papers, *Le Mauricien* and *l'Express* have also mentioned it, but the photographs are damning in what "5-Plus" has published. Does he not think there is a danger of cover-up and that he will never find out who are the guilty people?

**The Prime Minister:** But I must rely on other people to find out and this is exactly what we are doing. Why should we prejudge the issue and say there is a cover-up, it will never be found out. Let us wait and see.

**Dr. Ramgoolam:** I am not prejudging the issue. The fact is that six weeks have already passed, there is not even a preliminary report and we see that the papers are still publishing those things. It seems to me that there is a real danger of trying to say that none of these things exists as the Commissioner of Prisons has said. That is why I am asking whether it is not better to have an independent inquiry.

**The Prime Minister:** In the light of the findings of the inquiry that is going on, we will consider it.

**Mr Speaker:** Time is up. Questions addressed to the Rt. hon. Prime Minister.