

WRITTEN ANSWERS TO QUESTIONS

POLICE ASSISTANT SUPERINTENDENTS – APPOINTMENT

(No. B/939) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to Police Officers in the grade of Assistant Superintendent of Police and above, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to (a) their respective (i) date of appointment and (ii) posting and (b) the number of vacancies that presently exist in each grade.

Reply: The information asked for by the hon. Member is available from official sources such as the budgetary estimates, the Civil Establishment Order, and the staff list.

Regarding specifically the questions of (a) (ii) posting and (b) the number of vacancies that presently exist in each grade, may I point out that posting is the sole prerogative of the Commissioner of Police, while the number of vacancies, which exist and which need to be filled to meet the exigencies of the service, is a question which also concerns the sole prerogative of the Commissioner of Police in his day-to-day management and administration of the Police Force. May I add that the Minister responsible for the Police Force, under the Police Act, is only concerned with policy matters and not with the day-to-day running of the Force.

However, it is my understanding from the Commissioner of Police that the exercise for the filling of vacancies is actually in the process of being finalised.

MOTORCYCLISTS – LOUD NOISES - EMISSION

(No. B/940) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Prime Minister, Minister of Defence & Home Affairs whether he is aware that some motorcyclists modify the silencers of their motorcycles thereby emitting loud noises when being run and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to the actions taken in relation thereto.

Reply: Emissions of loud noises by vehicles are regulated under regulation 45 of the Road Traffic Regulations 1954.

Furthermore, the Road Traffic (Control of Vehicle Emissions) Regulations 2002 stipulate that the maximum permissible noise level in respect of motorcycles is 83 decibel. Exceeding this level of noise is an offence. A person contravening this provision of the law is liable to a fine not exceeding Rs 1,000.

There is a tendency for some motorcyclists to deliberately modify the silencers of their motorcycles to emit loud noises. There is no specific provision in the law which requires the owner of a motorcycle or autocycle to seek prior authorization before any modification is made to the silencer. However, Police take action against such persons under the Road Traffic Regulations 1954 for inefficient silencer.

Since January to 15 October 2009, 117 autocyclists and 85 motorcyclists have been booked for inefficient silencer.

The maximum fine for such an offence is Rs 10,000 and a term of imprisonment not exceeding one year.

I am informed that the following measures are being taken to prevent vehicles, including autocycles and motorcycles, to run with inefficient silencer:-

- (i) establishing contravention through road blocks or by Police Officer on mobile or foot patrol,
- (ii) issuing Prohibition Notice by the National Transport Authority in respect of the vehicles which emit noise level above the permissible limit; and
- (iii) sensitisation and education campaign by the “*Police de L’Environnement*”.

MBC – BUILDING - COMPLETION

(No. B/946) Mr S. Soodhun (Fifth Member for La Caverne and Phoenix) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the new building project of the Mauritius Broadcasting Corporation, at Réduit, he will, for the benefit of the House, obtain from the Corporation, information as to where matters stand, indicating the scheduled date for the transfer of the operations of the Corporation thereto.

Reply: I am informed by the Director-General of the Mauritius Broadcasting Corporation that around 70% of the construction works of the new building have been completed. The expected completion date of the project is April 2010.

I am further informed by the Director-General of the Corporation that the process for the transfer of the operations of the Corporation will be initiated upon the handing over of the new building, the procurement and installation of some new items of equipment besides the existing ones and after completion of such infrastructural works as security fencing and access road.

CARDINAL JEAN MARGEOT – TRIBUTE

(No. B/947) Mrs M. Martin (Second Member for Curepipe and Midlands) asked the Prime Minister, Minister of Defence and Home Affairs whether, following the demise of Cardinal Jean Margéot, he will state if he will consider the advisability of setting up a national committee to look into the possibility of honouring his memory.

Reply: The passing away of Cardinal Jean Margéot on 16 July last was a great loss to our nation. As I myself mentioned in one of my statements in the wake of this sad event “A giant has passed away”. In fact, the contribution of late Cardinal Margéot on the educational, social and religious fronts since the post-independence period cannot be overemphasized. This is why upon hearing the news of his demise, I immediately took the decision to organise a state funeral and declared three days of national mourning.

I wish to inform the house that in the course of the month of September, I had a meeting with the Bishop of Port Louis, Monseigneur Maurice Piat, and we discussed, *inter alia*, activities that may be organised and projects that may be implemented with a view to paying tribute to the memory of late Cardinal Margéot.

During our discussion, I was made aware of the proposed project of “l’Evêché de Port Louis”, for the setting up of a “Cardinal Jean Margéot Institute” with the objective of imparting training and promoting research in specific fields geared towards human development. I was further informed that the “Diocese de Port Louis” has set up a Cardinal Jean Margéot Foundation which would be responsible for securing financing for the project. I have given the assurance to Monseigneur Piat that Government will look favourably to the listing of the Cardinal Jean Margéot Foundation as an approved NGO so that it is eligible for financial support.

MBC – FILMS – PURCHASE

(No. B/948) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the purchase of films, since July 2005 to date, he will, for the benefit of the House, now obtain from the Mauritius Broadcasting Corporation and table information as to the cost thereof, indicating if commissions have been paid in relation thereto and, if so, indicate the (a) name of the beneficiaries (b) amount disbursed and (c) when.

Reply: Following the reply I made to PQ B/535 on 16 June 2009, the information relating to expenditure incurred for purchase of rights of films for the period 01 July 2000 to 16 June 2009 has been placed in the Library.

I am informed by the Director-General of the MBC that for the period 17 June 2009 to 30 September 2009 an amount of Rs 9,537,666 has been spent for the purchase of rights of films.

I am also informed by the Director-General of the MBC that from records available, there is no indication to the effect that the Corporation has paid any commission in relation to the purchase of rights of films.

GRAND' BAIE POLICE STATION - MR J. M. R. --ARREST

(No. B/949) Mrs F. Labelle (Third Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if, on 24 September 2009, at about 1100 hours, one Mr J. M.R. was arrested by the Police Officers of the Grand' Baie Police Station and, if so, the reasons therefor.

Reply: I am informed by the Commissioner of Police that at around 1025 hours on 24 September 2009, two Police Officers from Grand Bay Police Station accompanied two Court Ushers of the Intermediate Court to the Office of Libellule Tours at Royal Road, Grand Bay with a view to executing a warrant of "Giving Possession of Tenement" against one Mr K. A. J. , the tenant of the premises in favour of the owner, Mr J. R.

According to the Police report, Mr K. A. J was not present and the two Court Ushers were discussing with two employees of Libellule Tours when Mr J. R. started to insult the Court officers, accusing them of incompetence. Mr J. R. then entered the office, damaged several articles with a hammer and threw them on the road, thus causing obstruction. Mr J. R. was called to order by the Police Officers but he did not pay heed. Additional police assistance was sought from Grand Bay Police Station. At some point in time, Mr. J. R. pushed one of the Police Officers and the latter fell on the ground and got injured. The other Police Officers present on the spot tried to arrest Mr. J.R. but he resisted and attempted to escape. The Police Officers pursued him and caught him. However, he resisted further and struggled with the Police Officers. The latter ultimately managed to overpower him. They arrested him and brought him to Grand Bay Police Station.

The following offences were reported against Mr. J. R. -

- (i) "Obstructing a Public Functionary in the exercise of his duty";
- (ii) "Assaulting police";
- (iii) "Larceny with violence"; and
- (iv) "Damaging property".

According to the Police report, during the struggle Mr. J.R. sustained minor abrasions over his body and, at his request, officers of Grand Bay Police Station brought him to Grand Bay Clinic on the same day at about 1340 hours. However, the Medical Officer of Grand Bay Clinic refused to examine Mr. J.R., stating that his injuries were related to a Police case. Mr. J. R. was thus taken, to SSRN Hospital at about 1600 hours. There he was examined by a Medical Officer who concluded that the injuries sustained by Mr. J.R. were not of a serious nature. It is to be pointed out that Mr. J. R. refused to undergo an x-ray examination when requested to do so at SSRN Hospital. Thereafter, still at his request, Mr. J. R. was brought to Darne Clinic at Floreal where he was admitted. The next day he was discharged from the clinic and appeared before Rivière du Rempart District Court on provisional charges of -

- (i) Assaulting agent of civil authority; and
- (ii) Larceny with violence.

He was released on bail after furnishing sureties of Rs 5,000 and Rs 15,000.

The Central Crime Investigation Division is enquiring into the case, and upon completion of the enquiry, the matter will be referred to the Office of the Director of Public Prosecutions.

SCHOOL DRIVING LICENCE - GRANT

(No. B/950) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) asked the Prime Minister, Minister of Defence and Home Affairs whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if a policy has been adopted not to grant any more school driving licence and, if so, since when.

Reply: I am informed by the Commissioner of Police that since June 2006 no new Driving School Licences and Instructor's Licences are being issued as it is considered that the existing number of driving schools is adequate to cater for members of the public who undergo driving test.

There are presently 123 registered driving schools scattered throughout the Island, including one run by the Institute of Vocational Training Board. The Professional Drivers Training Centre of the IVTB is specialized in providing training courses in driving for heavy vehicles, while the remaining 122 driving schools cater for the driving of private cars.

Every year an average of 40,000 persons are undergoing tests at the Traffic Branch in order to obtain a driving licence. This amounts to a ratio less than 300 aspiring drivers per Driving School taking into consideration that many aspiring drivers do not resort to the services of driving schools.

I take this opportunity to inform the House that I have already set the ball rolling for a complete review of the whole system geared towards the issue of driving licences. The components of this system are mainly specific and designated areas where driving tests are carried out, driving schools, and driving tests themselves.

MONTEBELLO – ACCIDENT

(No. B/951) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the fatal accident which occurred on the Highway M1, at Montebello, on 08 September 2009, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the inquiry carried out thereinto, indicating if the truck was removed from Police custody, before the end of the inquiry.

(Vide Reply to PQ No. B/941)

MINISTERS' VEHICLES – ROAD ACCIDENTS

(No. B/952) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the road accidents in which Ministers' vehicles have been involved over the past one year, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to (a) the number thereof (b) the number and names of the persons injured, if any, and (c) if all the inquiries have been completed.

Reply: I am informed by the Commissioner of Police that five vehicles attached to Ministers were involved in road accidents over the last year period.

One person, namely Police Sergeant Neermul was slightly injured in one of the accidents.

Regarding part (c) of the question, I am informed that, out of the five cases, four are still under inquiry and one case has been sent to the DPP for advice.

POLICE SERGEANTS - PROMOTION EXERCISE

(No. B/953) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in relation to the promotion exercise of Police Officers in the grade of Sergeant to that of Inspector.

Reply: I wish to refer the hon. Member to the reply I gave to PQ B/592 on 23 June, 2009. Therein, I mentioned that a list of 123 Police Sergeants having passed the examination for promotion to the rank of Police Inspector had been submitted by the Disciplined Forces Service Commission and published in the Routine Orders of the Police Force on 14 May 2009. I also mentioned that the Office of the Commissioner of Police was conducting an exercise with a view to confirming that none of the Sergeants concerned is under interdiction or subject of any adverse report.

As I indicated earlier in my reply to Parliamentary Question B/944, the whole exercise is expected to be completed by mid November this year.

CONVICT MR L.L.C. - ESCAPE - INQUIRY

(No. B/954) Mr G. Lesjongard (Second Member for Port Louis North and Montagne Longue) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the escape of convict Mr L.L.C. from Mauritius, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry.

Reply: I wish to refer the hon. Member to the reply I made to the Private Notice Question at the sitting of 14 July 2009 wherein I explained in details the circumstances surrounding the escape of L.L.C from Mauritius.

As I then indicated to the House, I have set up a High Powered Committee under my chairmanship to look into the failings and possible loopholes which this case has revealed. At the first meeting of the Committee on 15 July 2009, we decided that a “Commission Rogatoire” would be sent to the French authorities and that the Police would beef up its procedures for the control over persons on bail.

On 07 August 2009, a Note Verbale was issued to the French authorities transmitting the “Commission Rogatoire” in respect of L.L.C. The French authorities were requested to confirm the presence of L.L.C. on the French territory and in the eventuality that he has already left the French territory, to inform us of his destination. The matter is being closely followed up with the French authorities.

The Commissioner of Police is maintaining constant contact with the Interpol for the location of the whereabouts of L.L.C. On 24 August 2009, la Gendarmerie Nationale Française of Reunion Island confirmed the departure of L.L.C. and Mr Vincent Lejeune for Paris by Air Austral on 28 June 2009 and 29 June 2009 respectively. The French authorities have not been able to locate L.L.C. so far.

Following the judgment of the Supreme Court rejecting the appeal of L.L.C. on 9 October 2009, the State Law Office has requested on 15 October 2009 the Ministry of Foreign Affairs, Regional Integration and International Trade to forward a copy of the judgment of the Supreme Court to the Bureau de l’Entraide Pénale Internationale of the Ministry of Justice of France and to urge the competent French authority to respond to our request for “Commission Rogatoire” forwarded on 7 August 2009.

On 15 October 2009, the Attorney-General, as Central Authority in mutual legal assistance pursuant to the Mutual Assistance in Criminal and Related Matters Act 2003, has also requested the French authorities on behalf of the Government of Mauritius to *inter-alia*, record a statement from L.L.C. to explain the circumstances in which he absconded from Mauritius and in

particular, the means he used to escape and the person, if any, who assisted him to leave Mauritius.

We are closely following up this case with the relevant authorities, namely Interpol and the French Authorities.

In order to prevent recurrence of such incidents, the Police have taken a series of measures to tighten control over persons released on bail with conditions with particular vigilance being exercised over foreign nationals. In that respect, there is now closer coordination between the different units of the Force.

We are also looking into the possibility of toughening the conditions of release on bail of suspects under the Bail Act. In that respect, we have recently received the proposals from the Law Reform Commission which are currently being examined by all stakeholders concerned.

ATTORNEY-GENERAL – POLICE BRUTALITY - STATEMENT

(No. B/955) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence and Home Affairs whether he is aware of the recent statement made by the Honourable the Attorney-General in regard to police brutality and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to if the matter has been reported to the Police, indicating if an inquiry has been carried out thereinto and the outcome thereof.

Reply: Yes, I am aware of the statement which the hon. Member is referring to. I am informed by the Commissioner of Police that the matter has been reported to the Police. An enquiry has already been started and is continuing.

Since the Police enquiry is still underway, it would not be appropriate for me to make any further comment on the matter at this stage.

CASINOS, BETTING & GAMING HOUSES – HIGH POWERED COMMITTEE

(No. B/956) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence & Home Affairs whether, in regard to the High Powered Committee set up to look into the aspects of casinos, betting and gaming houses, he will state where matters stand, indicating the number of times the committee met and when it is expected to submit its report.

Reply: As the House is aware, the Government has set up a High Level Committee under my chairmanship to examine the proliferation of gaming houses and discotheques in the country. The Government has also set up a Technical Committee under the chairmanship of the Secretary to Cabinet and Head of the Civil Service to examine the consequence of the proliferation of the gaming houses and discotheques and make recommendations to the High Level Committee.

The Technical Committee met on three occasions and has submitted its report. The recommendations of the Technical Committee are under study.

In the meantime no new licences for gaming houses and discotheques are being issued.

MBC – FINANCIAL SITUATION

(No. B/957) Mr G. Gunness (Third Member for Montagne Blanche and GRSE) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the financial situation of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if the new Director General thereof has caused an audit to be carried out and, if so, indicate the amount of deficit as at to date, if any, and the remedial measures taken.

Reply: I am informed by the Director-General of the Mauritius Broadcasting Corporation that an internal exercise is being carried out on the whole financial situation of the Corporation. Any deficit can only be determined after completion of such a due diligence exercise.

In the meantime the Director-General of the Corporation has taken a series of measures to improve the efficiency and effectiveness of the organization. These measures include, among others, curtailment in operation costs, optimization of human resources, review of marketing strategy and a more attractive programme grid.

POLICE VEHICLES - ACQUISITION

(No. B/958) Mr G. Gunness (Third Member for Montagne Blanche and GRSE) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the emergency clause of the Public Procurement Act, he will, for the benefit of the House, obtain information from the Commissioner of Police, information as to if it has been resorted to for the procurement of police vehicles and, if so, the reasons therefor.

Reply: I am informed by the Commissioner of Police that since the coming into force of the Public Procurement Act 2006, there has been no recourse to the emergency clause of the Act for the acquisition of police vehicles.

ELECTORAL REFORM

(No. B/959) Mr G. Gunness (Third Member for Montagne Blanche and GRSE) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the forthcoming general election, he will state (a) if Government proposes to introduce legislation providing for a code of conduct in relation thereto and (b) where matters stand regarding the electoral reform.

Reply: Part (a) has already been answered in the PNQ.

Regarding part (b) of the question, as I have already stated in the House earlier, consultative meetings have already been initiated with the Leader of the Opposition and the Leader of the *Mouvement Socialiste Militant*.

However, as I indicated at our sitting on 07 April this year, with the onset of the world financial crisis, we have had to concentrate on the urgent measures which had to be taken in order to prepare the Mauritian economy to face the unprecedented challenges in the wake of the international financial crisis.

We have to be realistic. This present juncture particularly dictates that we consider all the practical aspects of such a reform. Bearing this in mind, I shall consider the way forward.

There is commitment in our Social Alliance Manifesto to consult the people on this matter by way of a referendum.

WOMEN POLICE OFFICERS – TRAINING ABROAD

(No. B/960) Mrs S. Hanoomanjee (Second Member for Savanne and Black River) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Women Police Officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number thereof, since June 2008 to date, who have been sent abroad for training, indicating in each case (a) the fields of training and (b) the countries offering the training courses.

Reply: I would like to remind the House that it was during my first mandate that Woman Police Officers were sent abroad for training for the first time. In line with this Government's policy to eliminate gender discrimination, we remain committed to provide all the necessary training and facilities to empower our Woman Police Officers to perform their duties efficiently.

I am informed by the Commissioner of Police that since June 2008 to date, ten Woman Police Officers have attended courses abroad.

As regards parts (a) and (b) of the Question, the information requested for by the hon. Member is as follows:

- two Woman Police Officers followed a course in Advanced Management in USA;
- one in Law Enforcement in Botswana;
- one in International Affairs in Russia;
- one followed a "Formation Initiale à l'école Nationale Supérieure des Officiers de Police" in France;
- one officer attended the 5th SARPCCO Women's Network Sub-Committee Meeting in Namibia;
- one followed a training in "Scène de Crime" in France;
- one attended the 2nd Working Group Meeting on Illegal Immigrants and Fraudulent Travel Document;
- one in Policing Violence against Women and Children in Botswana; and
- one went for a study visit regarding the National Policing Strategic Framework in United Kingdom.

GRAND'BAIE POLICE STATION - FRENCH LADY TOURISTS -
SEXUAL ASSAULT - COMPLAINT

(No. B/961) Mr N. Bodha (First Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the case of two French lady tourists who have recently made a complaint of sexual assault at the Grand' Baie Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand in relation to the inquiry.

Reply: I am informed by the Commissioner of Police that on 12 September 2009, two French lady tourists reported a case of attempt upon chastity against Messrs D.B. and K.A.J. at Grand Baie Police Station.

According to their statement, the services of Mr K.A.J., owner of Libellule Travel Tours were retained by the two ladies and their families for excursions. Mr K.A.J. offered the complainants a free massage to compensate them for an unsatisfactory tours. They accepted the offer and on 11 September 2009 proceeded to the Massage Therapeutic Centre at Grand Bay, in the company of the said Mr K.A.J. He introduced them to Mr D.B., owner of the Centre. The two tourists were then brought in two separate rooms and were provided with massage services by Messrs K.A.J. and D.B. respectively. According to the two ladies, Mr K.A.J. and D.B. attempted upon their chastity.

Police instituted an enquiry into the matter. Mr D.B. was arrested and detained on 12 September 2009, and Mr K.A.J. was arrested on 14 September and was detained. On 13 September 2009, the two victims were examined by a Police Medical Officer at Victoria Hospital.

On 15 September 2009, both Messrs D.B. and K.A.J. were brought before Riviere du Rempart District Court and a provisional charge of "Attempt upon chastity" was lodged against them. They were released upon furnishing a surety of Rs 5,000 each.

On 17 September 2009, the case file was sent to the DPP, who on 22 September 2009, advised prosecution against both D.B. and K.A.J. for the charge of "Attempt upon Chastity".

The main case has been lodged before Riviere du Rempart Court. The case was fixed for trial on a special Court sitting on Saturday 26 September 2009, when both victims were present. However, on a point of law raised by the Defence Counsel the case was postponed and has now been fixed for trial on 25 and 26 November 2009. The victims have been requested to appear in Court on these days.

I am further informed by the Commissioner of Police that both ladies left Mauritius on 27 September 2009.

CHAGOS ARCHIPELAGO - MAURITIUS SOVEREIGNTY - DISCUSSIONS

(No. B/962) Mr N. Bodha (First Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Chagos Archipelago, he will state if he has raised the matter with the United Kingdom and the United States Authorities during his last missions abroad in view of the recent legal developments and political stand taken by Members of the House of Commons on the issue.

Reply: I had, in fact, raised the issue of the Chagos Archipelago with the British Prime Minister in London in June 2008 and proposed to him that our two Governments should start discussions on the Chagos Archipelago, including Diego Garcia.

Following my meeting with the British Prime Minister, two rounds of talks have subsequently been held between Mauritius and the United Kingdom, on 14 January 2009, in London, and on 21 July 2009, in Mauritius respectively. These talks addressed the following issues:

- (a) Sovereignty of the Archipelago
- (b) Resettlement
- (c) Exclusive Economic Zone delimitation and extension of Continental Shelf around the Archipelago
- (d) Exploitation of maritime resources
- (e) Establishment of a Marine Protected Area to protect biodiversity in the waters surrounding the Archipelago

A third round of talks is scheduled to be held in London in January next.

As the House may be aware, on 22 October 2008, the House of Lords delivered its judgment on an appeal made by the British Government against the decision of the Court of Appeal in the case of Secretary of State for the Foreign and Commonwealth Affairs *VR* (on the application of Bancoult). The House of Lords allowed the appeal and quashed the decision of the Court of Appeal, thus denying Mauritians of Chagossian origin the right to return to the Chagos Archipelago.

Mr Bancoult and his legal representatives thereafter requested the European Court of Human Rights to expedite the preliminary consideration of the application, which was lodged on 20 September 2004.

The European Court of Human Rights informed the legal representatives of Mr Bancoult that, following a preliminary examination of the admissibility of the application on 17 February 2009, a notice of application had been given to the UK Government inviting the latter to submit their observations by 12 June 2009. After seeking an extension of the deadline on two occasions, the UK Government submitted its observations to the Court on 31 July 2009, in which it declined the suggestion for a friendly settlement.

The observations of the UK Government were transmitted to the Applicants who were invited to submit their observations, if any, to the Court by 30 September 2009. The Applicants have asked for an extension of the deadline until 23 October 2009.

In the course of the official talks held on 21 July 2009 in Mauritius, the British side indicated that in the event of the European Court of Human Rights adjudicating in favour of the Chagossians, the UK Government will take the necessary steps to comply with the decision of the Court.

With regard to the United States authorities, during my last visit to Washington from 02 to 06 February 2009, in the margins of the 57th National Prayer Breakfast Meeting, I had met prominent personalities of the US administration including Senators and Congressmen and taken the opportunity to apprise them of our sovereignty over the Chagos Archipelago including Diego Garcia, and our dispute with the UK Government on this issue. I also had a meeting with the US State Department during which I strongly affirmed our sovereignty over the Chagos Archipelago and sought the support of the US Government for an amicable settlement of the long standing

dispute between Mauritius and the United Kingdom over the Chagos Archipelago especially in view of the expiry of the UK/US lease in 2016.

In my statement to the United Nations General Assembly on 26 September 2009, I took the opportunity to reaffirm the sovereignty of Mauritius over the Chagos Archipelago, including Diego Garcia, which was unlawfully detached by the United Kingdom from the territory of Mauritius prior to our Independence. I recalled that such dismemberment of the territory of Mauritius was in total disregard to UN General Assembly Resolutions 1514 (XV) of 14 December 1960 and 2066 of 16 December 1965. In that regard, I referred to President Obama's statement at that very Assembly to the effect that we should demonstrate that international law should not be an empty promise.

POLICE RESIDENTIAL QUARTERS - OCCUPATION

(No. B/963) Mr M. Dowarkasing (Third Member for Curepipe and Midlands) asked the Prime Minister, Minister of Defence and Home Affairs **Whether**, in regard to the Police residential quarters, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to (a) the number thereof (b) if any of them are being occupied by retired Police Officers and (c) the reasons why the quarters recently renovated in Curepipe are still vacant.

(Withdrawn)

AGALEGA ISLAND – INDIAN MILITARY BASE

(No. B/964) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the Agalega Island, he will state if there is a request from the Government of India for the setting up of an Indian military base thereat.

Reply: I am not aware, either from official or from unofficial diplomatic channel, of any endeavour of India to set up a Military base on Agalega.

RESIDENCE VALLIJEE - ROAD ACCIDENT - INQUIRY

(No. B/965) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) asked the Prime Minister, Minister of Defence and Home Affairs whether, in regard to the road accident which occurred near the Résidence Vallijee, Port Louis, on Thursday 08 October 2009, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out thereinto and the outcome thereof.

Reply: I am informed by the Commissioner of Police that a road accident involving a private van and an auto-cycle occurred on 8 October 2009 along Royal Road, Cité Vallijee.

The auto-cyclist passed away four days after the accident.

Statements were taken by Police from the driver of the van and an eye-witness.

A provisional charge of involving homicide by imprudence was lodged against the driver of the van before the District Court of Port Louis. He was released on bail after furnishing a surety of Rs10,000 and a recognizance of Rs25,000.

Police enquiry is ongoing.

POLICE DES POLICES – SETTING-UP

(No. B/1005) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Attorney-General whether, in regard to the proposed setting up of a *Police des Polices*, he will state where matters stand.

Reply: I have on numerous occasions, in this very House, stated that Government is proposing to set up an independent body with statutory powers to investigate complaints relating to offences and misconduct allegedly committed by members of the Police force. The main objective is to introduce a new, clear and transparent system to ensure that complaints against the Police are investigated and dealt with effectively and efficiently, in an impartial manner. The ultimate objective would be to avoid investigation of complaints against Police Officers by their peers, as is presently the case with the Police Complaints Investigation Bureau.

The proposed mechanism would also ensure that police duties are discharged within human rights ethics and that any Police Officer who departs from established regulations is held accountable for his misconduct.

In this respect, I wish to inform the House that the draft legislation providing for a new Police Complaints Division under the National Human Rights Commission has nearly been finalized and will be introduced in the National Assembly shortly.

PLAINE VERTE GARDEN – REPAIR WORKS

(No. B/966) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Minister of Local Government, Rodrigues and Outer Islands whether he is aware of the bad state of the Plaine Verte Garden, from the swimming pool to the Paul et Virginie Street, and, if so, will he, for the benefit of the House, use his good offices to request the Municipal Council of Port Louis to -

(a) carry out repair works of the existing -

- (i) benches
- (ii) lighting points
- (iii) fencing
- (iv) alleys, and the upgrading thereof

(b) install additional -

- (i) benches
- (ii) lighting points
- (iii) dustbins, and

(c) plant grass and decorative plants.

Reply: I am informed by the Municipality of Port Louis that necessary repairs to benches and lighting points at the Plaine Verte Garden are effected on a regular basis.

I am further informed of the following renovation works by the Council –

- the existing benches will be replaced by new ones by the end of this month;
- ten new lighting points will be installed in two months' time;

- Provision of fencing and alleys which is included in its current maintenance programme, will be implemented by the end of this month;
- Six dustbins will be installed at corner Paul & Virginie, Madad-Ul-Islam and Sir Edgar Laurents Streets by the end of this month, and
- Planting of grass and decorative plants is ongoing.

PLAINE VERTE GARDEN – LIGHTING & UPGRADING

(No. B/967) Mr S. Lauthan (Third Member for Port Louis Maritime and Port Louis East) asked the Minister of Local Government, Rodrigues and Outer Islands whether, in regard to the Plaine Verte Garden, from the Paul et Virginie Street to the Diégo Garcia Street, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to -

- (a) if consideration will be given for the installation of additional lighting points, in view of inadequate lighting thereat, and
- (b) where matters stand in relation to
 - (i) the upgrading of the pond found in the centre of the garden, and
 - (ii) repairs of the gates.

Reply: I am informed by the Municipality of Port Louis that the following works will be undertaken in the vicinity of Plaine Verte Garden, from Paul & Virginie Street to Diego Garcia Street –

- forty additional bollards will be installed by the end of November 2009 to supplement the twenty double arm lighting points already fixed;
- with regard to the upgrading of the pond, the provision of a fountain and other works are expected to start by the end of this month, and
- the gates are presently being manufactured and will be fixed by the first week of November 2009.

MOZAMBIQUE – LAND ALLOCATION - AGREEMENT

(No. B/1003) Mrs D. Perrier (Fourth Member for Savanne and Black River) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the land put at the disposal of Mauritius in Mozambique from the Mozambican Government, he will -

- (a) state the number of plots thereof earmarked, indicating their respective location and area, and
- (b) table copy of the agreement in respect of each plot of land.

Reply: Following negotiations with the Government of the Republic of Mozambique, a Memorandum of Understanding was signed on 28 February, 2008 between the Ministry of Agro Industry and the Republic of Mozambique under which an area of approximately 5,000 hectares of land was put at the disposal of Mauritius in Manica Province in the district of Barue, Mozambique, for cultivation of food crops to enhance food security in the two countries. A copy of the MoU is being tabled.

In February 2009, a technical mission visited the land allocated to Mauritius, and reported that the infrastructure and other logistics for the development of the land was inadequate and would require heavy investment.

In view of such constraints to develop the land in Manica province, further negotiations have been held with the Mozambican authorities with a view to obtain alternative land. In this regard, the Government of Mozambique has agreed in principle to allocate a land area of 18,500 hectares in the district of Maracuenne, Province of Maputo within the Government cross border initiative. Negotiations in this regard are being actively pursued.

SSS - EDUCATORS - TRANSFER

(No. B/1004) Mrs D. Perrier (Fourth Member for Savanne and Black River) asked the Minister of Education, Culture and Human Resources whether, in regard to the transfer of teachers, he will state if it is a policy to transfer teachers teaching classes such as Form IV and Form V, two months prior to the holding of the examinations and, if so, the reasons therefor, and if not, if he is aware that such transfers have been effected recently, indicating the reasons therefor.

Reply: It is not the policy of my Ministry to transfer Educators teaching in Form IV and Form V or in any other Form, during the third Term. However, when the situation warrants it, a few transfers are effected.

Following a recent recruitment exercise conducted by the Public Service Commission, a few *ad hoc* transfers have been made for administrative convenience.

(PQ No. B/1005- see after PQ No. B/965)

L'ASSEMBLEE DE DIEU – INCORPORATION - LEGISLATION

(No. B/1006) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Attorney-General whether, in regard to the legislation for the incorporation of the *l'Assemblée de Dieu*, he will state where matters stand.

(Withdrawn)

MINISTRY OF TOURISM, LEISURE & EXTERNAL COMMUNICATIONS - ADVISER – APPOINTMENT

(No. B/1007) Mr E. Guimbeau (First Member for Curepipe and Midlands) asked the Vice-Prime Minister, Minister of Tourism, Leisure and External Communications whether, he will state if any adviser has been appointed at his Ministry since August 2009 to date and, if so, indicate their respective

- (a) names and postings
- (b) qualifications, and
- (c) terms and conditions of appointment.

(Withdrawn)

MOUCHOIR ROUGE ISLET – DEVELOPMENT WORKS

(No. B/1008) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Minister of Agro Industry, Food Production and Security whether, he is aware that illegal developments have been carried out on the Mouchoir Rouge Islet and, if so, will he state if an assessment of the possible adverse impact that same may have on the fishers of the region has been carried out.

Reply: Following complaints received from fishermen on 16 July 2009, my Ministry carried out an enquiry on Mouchoir Rouge Islet which revealed that the lessee was carrying out development works on the islet.

The enquiry also revealed that the lessee did not have an Interference Permit, as required under the Fisheries and Marine Resources Act (Marine Protected Areas) Regulations 2001. He was requested to stop all works with immediate effect.

An assessment of the scope of unauthorised works carried out by the promoter was effected on 28 July 2009 by a team comprising representatives of the Ministry of Housing and Lands, Ministry of Environment and National Development Unit and the Fisheries Division of my Ministry, followed by physical and ecological surveys. From the ecological surveys undertaken by my Ministry, it has been noticed that the marine environment has not been affected since -

- the water column was clear;
- sea grasses were present in the region;
- fish were present, namely mullet fingerlings as well as a variety of small fish.

On 24 September 2009, the Ministry of Housing and Lands was requested to carry out a detailed site survey to determine the exact extent of land reclaimed. The survey showed that an extent of 600m² of land has been reclaimed by the lessee.

During another site visit carried out on 16 October 2009 by the Fisheries Division of my Ministry, it was observed that demolition works were in progress.

Although no impact has been observed on the marine environment, the promoter has been requested to reinstate the site. The reinstatement works will be closely monitored by all the authorities concerned.

LE BOUCHON - FISHERS - COMPLAINTS

(No. B/1009) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Minister of Agro Industry, Food Production and Security whether, in regard to the developments at Le Bouchon, he will state if his Ministry has recently received any complaint from the fishers of the region and, if so, the remedial actions that have been taken.

Reply: My Ministry did receive complaints from a group of fishermen on 22 August 2009 regarding unauthorised developments at Le Bouchon.

A site visit was effected by the Flying Squad of my Ministry on the same day and it was established that development works in connection with a *morcellement* project were effectively being carried out by the promoter without authorisation. The promoter was ordered to stop all works with immediate effect.

My Ministry organised a site visit on 01 September 2009 with representatives of the Ministry of Housing and Lands, the Ministry of Environment and NDU, the Beach Authority, the Water Resources Unit and the Forestry Services. The following observations were made -

- (a) an access from the *morcellement* site leading directly to the sea had been created thus encroaching on the *Pas Géométriques*;
- (b) a canal was dredged to deviate an existing stream directly to the sea;
- (c) trees, namely badamiers and mangroves, have been felled, and
- (d) embedded rocks had been removed from the shore.

In the light of these observations, the following actions have been taken -

- (i) a stop order was issued to the promoter by the Beach Authority earlier on 21 August 2009 to stop all works with immediate effect;

- (ii) the Forestry Division of my Ministry has booked the promoter for felling of trees;
- (iii) the Fisheries Protection Service has taken legal action against the promoter for damage caused to mangroves, and
- (iv) the promoter has been instructed by the Beach Authority on 07 October 2009 to rehabilitate the site and in that connection was requested to submit a plan of work, including methodology and mitigating measures, to all relevant Ministries/Department for clearances prior to reinstating the site.

TROU AUX BICHES - FISHERS - COMPLAINTS

(No. B/1010) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Minister of Agro Industry, Food Production and Security whether he will state if his Ministry has recently received any complaint from the fishers of Trou aux Biches, and, if so, indicate the -

- (a) nature thereof, and
- (b) remedial measures taken.

Reply: I am informed that the Fisheries Division of my Ministry has received complaints from fishers of Trou aux Biches on 15 July 2009 with regard to the following -

- (i) the placing of four yellow buoys outside the reef which was causing inconvenience to their fishing activities, and
- (ii) diving activities which were causing prejudice to them in that their basket traps were being damaged by divers and fish caught were thus being released.

With regard to the buoys, these have been placed by the Ministry of Tourism, Leisure and External Communications under its zoning project aimed at ensuring the security of sea users. Following consultations which that Ministry had with the fishers concerned on 28 July 2009, it has been agreed that reflector stripes would be affixed to the buoys for better visibility.

Regarding the diving activities, my Ministry convened a meeting on 23 September 2009 with all stakeholders concerned and it has been agreed that -

- (i) a technical committee comprising representatives of my Ministry, the Ministry of Tourism, Leisure and External Communications, the Tourism Authority, the National Coast Guard, the Mauritian Scuba Diving Association and fishermen associations be set up to make recommendations, and
- (ii) the Tourism Authority should reinforce conditions laid down in the Tourism Enterprise Licence for diving activities to deal with the problems faced by fishermen relating to damages to their traps and interference with fishing activities.

FISHERMEN INVESTMENT TRUST - PROJECTS - IMPLEMENTATION

(No. B/1011) Mr J. C. Barbier (Third Member for GRNW & Port Louis West) asked the Minister of Agro Industry, Food Production and Security whether, in regard to the Fishermen Investment Trust, he will, for the benefit of the House, obtain from the Trust a list of the projects that have been implemented, since July 2005 to date.

Reply: The Fishermen Investment Trust Act has been set up under the Fishermen Investment Trust Act 2006 which was proclaimed with effect from 31 January 2007.

The FIT has launched its Corporate Plan 2009/2011 in February 2009 which outlines the projects which it is implementing during that period. These projects which have already been initiated are as follows -

- (i) the Development of a sea cucumber project at St. Brandon, in partnership with a private company, Brightwater Ltd. The new entity, named Brightfit Ltd. has started its operations in December 2008 and is employing 40 fishermen;
- (ii) a Fish Farm Project at Bambous Virieux will provide new opportunities to fishermen. The project will be financed under the Food Security Fund and will be implemented in collaboration with La Ferme Marine de Mahebourg Ltd.;
- (iii) the acquisition of fishing boats to promote outer lagoon and Fish Aggregating Devices (FAD) fishery is underway. A first tender exercise was carried out locally in June 2009 for the construction, supply and commissioning and testing of 4 fishing boats. However, the bids received are not responsive and FIT is now proceeding with the floating of international tenders for the procurement of the boats. This project is being implemented in collaboration with the Mauritius Export Association (MEXA) which is providing one boat in this venture, and
- (iv) a *Barachois* project at Poudre d'Or is in the pipeline. The allocation of the *barachois* by the Ministry of Housing and Lands to the FIT is being finalised.

I would also wish to inform the House that following my recent mission to Japan, the Japanese Fisheries Agency has delegated Mr H. Murozaki to Mauritius from 07 to 10 October 2009 to discuss and fine-tune the project proposal entitled "Poverty Alleviation and Creation of Employment". This project proposal was jointly prepared by my Ministry and the Fishermen Investment Trust which was subsequently submitted to the Government of Japan for a grant and assistance. This project consists in the supply of eight small fishing boats and one semi-industrial fishing boat for the further empowerment of the artisanal fishermen.

I am also informed that a delegation from the Japan Tuna Fisheries Cooperative Association will be in Mauritius as from the 25 to 29 November 2009 to discuss joint venture possibilities with my Ministry and the FIT.

GOVERNMENT GUARANTEED LOAN SCHEME - STUDENTS - MEDICAL COLLEGES -

(No. B/1012) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Education, Culture and Human Resources whether, in regard to the students, he will, for the benefit of the House, obtain from the Tertiary Education Commission, information as to if the Government Guaranteed Loan Scheme for students opting for tertiary education in Mauritius also applies to those seeking admission in the Medical Colleges operating in Mauritius.

Reply: The reply is in the affirmative.

The House may wish to be informed that the Government Guaranteed Student Loan Scheme is operated under the Human Resource, Knowledge and Arts Development (HRKAD) Fund of my Ministry and not by TEC. Since December 2008, the scheme is applicable to all students having secured admission in a Tertiary Education Commission (TEC) recognised local Post Secondary Educational Institution (including all TEC recognised Medical Colleges operating in Mauritius) and whose parents/spouse cannot provide any guarantee for the loans.

To date, only one student whose loan has been guaranteed by the HRKAD Fund is following MBBS programme at the Sir Seewoosagur Ramgoolam Medical College (SSRMC).

WOMEN ASSOCIATION OF *RÉSIDENCE VALLIJEE* – STATEMENT - FAMILY SUPPORT OFFICER

(No. B/1013) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the Minister of Women's Rights, Child Development and Family Welfare whether she is aware of a statement made by an office bearer of a women association of *Résidence Vallijee*, against one Family Support Officer of her Ministry at the Independent Commission Against Corruption and, if so, will she state the nature thereof and the actions taken at the level of her Ministry.

Reply: No, my Ministry is not aware whether an office bearer of a Women Association of *Résidence Vallijee*, has made a statement against one Family Support Officer of my Ministry at the Independent Commission Against Corruption (ICAC).

In fact, we have taken cognizance of the case on receipt of a copy of an undated letter, from a certain Mrs M. A. R. claiming to be the President of the Association. In the letter, which has been transmitted to my Ministry on 14 October 2009, it is alleged that -

- (a) an officer (of the National Women's Council) has been using the women's association of *Résidence Vallijee* to get money, and
- (b) the money was not being used judiciously for the project.

My Ministry is carrying out an internal enquiry. I am informed that a project from a women association of *Résidence Vallijee* on “HIV & AIDS prevention and sensitisation for women and the family of *Cité Vallijee* and other deprived regions of Port Louis” was approved by the Ministry of Health and Quality of Life to the tune of Rs1,675,800. The Ministry of Health and Quality of Life is monitoring the project implementation.

HSC EXAMINATION PAPERS - LEAKAGE - MEASURES

(No. B/1014) Mrs L. D. Dookun-Luchoomun (Third Member for La Caverne & Phoenix) asked the Minister of Education, Culture and Human Resources whether, in regard to the Higher School Certificate Examination Papers, he will, for the benefit of the House, obtain from the Mauritius Examinations Syndicate, information as to the measures taken by the Cambridge Examinations Syndicate and Mauritius Examinations Syndicate to avoid any leakage.

Reply: The Mauritius Examinations Syndicate (MES) has given assurance to my Ministry that action has been initiated at its end with the Cambridge International Examinations (CIE) to avoid leakages especially in examinations and to ensure that the Higher School Certificate examinations are held in the most suitable conditions.

In this context, a range of security measures have been taken since November 2008 to forestall leakages of the type that were experienced during the HSC examinations last year, through the internet. CIE has classified in specific time zones all the countries (about 150) taking its examinations and each time zone will receive specific examination papers.

The measures put in place by CIE are mainly as follows -

- (i) For the November 2009 examinations, CIE has introduced separate versions of the HSC examinations for the different time zones and candidates in Mauritius will take the examinations at the earliest in the time zone in which we are located. All HSC subjects involved in scholarship awards have been secured in this way.
- (ii) Over the past year, CIE has taken necessary actions to close down websites, involved in hosting improper student discussions, and continues to monitor such activities online, and will take action with website owners and hosting companies where concerns are identified.
- (iii) The Data Procession Section of the MES will also monitor discussion forums on the Internet to enable appropriate and timely measures to be taken, as and when required.
- (iv) The communication of security procedures has been strengthened and made sufficiently clear to students so that they are aware of the penalties. In this context, the MES has incorporated CIE's Notice in the instructions which are issued to candidates informing them that -

- after the examination, they must leave behind the question paper, answer book or answer paper, rough work and any other (used or unused) materials provided for the examinations;
 - they must not attempt to remove or copy the content of the examination question paper or answer scripts in any form of media whatsoever;
 - they must not discuss or disclose by any means the contents of the paper with any person who has not taken the examination for 24 hours after taking the examination.
 - candidates not complying with these instructions will automatically be disqualified from the subject being taken.
- (v) As per CIE regulations, the 24-hour security rule is being strictly adhered to regarding issue of papers to candidates. All question papers are collected at the end of the examination and retained under secure conditions until at least 24 hours have elapsed since the end of the time of examination session specified for each paper by CIE.
- (vi) Posters are being affixed in Examination Centres to draw the attention of candidates on the consequences of exchanging information on question papers.
- (vii) Arrangements have been made to provide a copy of the “Handbook for Centres 2009” which contains details of procedures for the organisation and conduct of examinations at the Centre to each Supervisor and Assistant Supervisor. This new arrangement is to sensitise the Supervisors and Assistant Supervisors to the importance of the instructions given in the handbook.
- (viii) Supervisors are briefed at least two weeks before the start of the examination. They, in turn, brief the invigilators highlighting the new arrangements put in place and sensitise them on their responsibilities for the smooth running of the examinations.
- (ix) The movement of candidates leaving temporarily the examination room is being recorded and monitored through the use of a new form.

I wish to inform the House that a 3-member delegation headed by Mrs Ann Puntis, Chief Executive of the CIE, which was in Mauritius in September 2009 in the context of the Brilliance in Education Award, has had discussions with the MES on the security measures put in place to forestall leakages during SC and HSC examinations 2009 onwards. Furthermore, Mr Vincent Richeley, CIE Inspector, is presently in Mauritius to inspect Examination Centres for the SC/HSC Examinations 2009 and to ensure that CIE procedures for the conduct of examinations are being applied.

The MES is following closely with the CIE to ensure that the SC and HSC examinations 2009 are held in the safest possible conditions and that the incidents of last year do not recur.

We also trust students to act responsibly and reflect an ethical and upright behaviour especially at a time when they are sitting for examinations.