



THE COMMISSION OF INQUIRY ON DRUG TRAFFICKING

REPORT

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A- SUCH ACTION AS IS DEEMED NECESSARY TO FIGHT THE PROBLEM OF IMPORTATION, DISTRIBUTION AND CONSUMPTION OF ILLICIT DRUGS IN THE REPUBLIC OF MAURITIUS; AND

B- ANY STATUTORY AMENDMENTS AS MAY BE NECESSARY TO BETTER SAFEGUARD THE INTERESTS OF THE PUBLIC AT LARGE

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COMMISSION OF INQUIRY ON DRUG TRAFFICKING IN MAURITIUS

CHAPTER 1

1.0 PREAMBLE

1.1 On the 14th July 2015, the President of the Republic, in accordance with section 2(2) of the Commissions of Inquiry Act, appointed us, Paul Lam Shang Leen former Judge of the Supreme Court as Chairperson, Samioullah Lauthan former Minister of the then Social Security, National Solidarity, Senior Citizen Welfare and Reform Institutions and the incumbent member of the National Human Rights Commission and Dr. Ravind Kumar Domun, Director Health Services, Ministry of Health and Quality of Life, as members of the Commission to inquire into, and report on all aspects of drug trafficking in Mauritius, including:-

(I) the scale and extent of the illicit drug trade and consumption in Mauritius and their economic and social consequences;

(II) sources/points of origin/routes of illicit drugs;

(III) the channels of entry and distribution of drugs in Mauritius;

(IV) the channels of entry and distribution of drugs in prisons;

(V) the availability of new types of drugs, including synthetic and designer drugs, in Mauritius;

(VI) linkages between drug trafficking, money laundering, terrorist financing and other crimes;

(VII) the adequacy of existing legislation;

(VIII) the operational effectiveness of the various agencies involved in the fight against drug trafficking;

(IX) the adequacy of the existing resources including human expertise technology and equipment, to detect and counter any attempt to introduce drug including designer and synthetic drugs in Mauritius;

(X) the need for fostering linkages and coordination among the various agencies and other local, regional and international entities dealing with drug related matters for better strategic direction;

(XI) the effectiveness of drug treatment and rehabilitation programmes as well as harm reduction strategies, national prevention, education and drug repression strategies, with emphasis on youth;

(XII) the tracking of funds in order to identify illicit activities;

(XIII) whether there is any evidence of political influence in the drug trafficking trade; and

(XIV) any other matter connected with, or relevant or incidental to paragraphs (I) to (XIII) above, and make recommendations as appropriate, including-

A. such action as is deemed necessary to fight the problem of importation, distribution and consumption of illicit drugs in the Republic of Mauritius; and

B. any statutory amendments as may be necessary to better safeguard the interests of the public at large.

1.2 The terms of the Commission which required that the proceedings be held in public were published in the Government Gazette No. 73 of the 15th July 2015 under the General Notice No. 1050 of 2015.

1.3 The Commission issued a press notice in Mauritius and in Rodrigues on the 9th September 2015 inviting members of the public at large and any other entities who may wish to depose before the Commission and/or submit memorandum to make themselves known by the 24th October 2015 to the secretary of the Commission.

1.4 In view of the extensive mandate of the Commission and the need to look into the numerous international reports and drug policies applied in a number of countries, the Commission deemed it fit to secure the support of two research assistants. Moreover, the Commission enlisted a team of police officers under the supervision of ASP Hector Tuyau to look for information regarding the names of alleged drug dealers provided to the Commission by certain persons formally or anonymously and to investigate into their assets when there were reasons to believe that they might be associated directly or indirectly with drug trafficking. Furthermore, the team investigated into unlawful communications through mobile phones by members of the public, police officers, prison officers and barristers with prisoners from information retrieved from the sim cards and mobile phones secured from prisoners. The Commission also enlisted the help of two law officers from the Attorney General's Office and a team of transcribers.

1.5 The Commission started its hearing on the 4th November 2015 and held 318 sittings, some of which were in camera in view of the sensitive and confidential information the deponents wanted to impart to the Commission and the Commission heard in all 306 persons, some either in their private capacity or in an official capacity as representative of certain bodies. The Commission also summoned a number of persons in order to give them an opportunity to explain and to exculpate themselves in the light of information obtained by the Commission through its investigation team [Annex 1].

1.6 The Commission visited in December 2016 the Airport, the Port, the Post Office Parcel Post, PATS, Cold Room, Cargo Handling Corporation, Police and Customs Dog Unit in order to have a proper understanding of the methodology of the ADSU and the Customs Anti-Narcotics Unit in their fight against the smuggling of prohibited drugs. The Commission also visited the Coast Guard Headquarter, the FSL, the

Brown Sequard and Mahebourg hospitals, the prisons as well as numerous NGOs to take stock of their needs, their difficulties and the requirements of those institutions in order that they may be able to carry out their duties diligently and in line with good practices.

1.7 The Commission held hearings in Rodrigues from the 11th to the 14th April 2016 and heard 19 authorities namely the officers of the ADSU, the Rodrigues Airport Authority, some members of the Rodrigues Regional Assembly, the Prison Administration, the Police, ICAC, some relevant institutions, NGOs and a few individuals [Annex 2]. The Commission visited on the 15th April 2016 the Airport, Customs, the Port, the Cargo Handling Corporation, the Coast Guard tracking installation and the Prison.

1.8 The Commission terminated its public hearing on the 14th March 2018.

CHAPTER 2: INTRODUCTION

2.1 WAR ON DRUGS AND THE WAY FORWARD

More than 55 years after the first UN Convention on Drugs, the debate over enforcement-based approach that dominated drug policy worldwide is heating up and questioned in national and international fora. In view of the highly unsuccessful effects of those policies, many countries are rethinking the repressive strategies that have failed to limit the supply and the proliferation of the use of illicit drugs. The repressive approach has often devastated not only individuals but also families and societies.

UNODC has confirmed that efforts to eradicate and control the production of illegal drugs have not met the expected goals. The reconversion of planters of poppies has been laborious and unsatisfactory. The recommendations of the April 2016 UNGASS meeting were not to the taste and satisfaction of many countries and NGOs who thought that UNGASS would have come up with recommendations in favour of the decriminalisation/legalisation of possession and use of illegal drugs be it for recreational or medical purposes.

2.2 NEW APPROACH

Be that as it may, many countries when changing their legislations to alleviate the problems faced by drug abusers are bound to uphold the spirit of the conventions so as not to be in breach of those international obligations under the UN Convention on Drugs. Some countries have resorted to less repressive laws against drug abusers looking towards a more humane approach while others considered legalisation of Cannabis for recreational use as an option. It is common ground and an accepted fact that drug abusers are now considered, not only as victims but as patients suffering from a form of sickness and whose place are certainly not in prisons but in health centres to be looked after by health specialists.

2.3 UNIQUE CHANCE-GOLDEN OPPORTUNITY

It is certainly not the policy of any government in the world, and still less of ours, to make toxic substance readily available to anybody in a market economy which is very lucrative for traffickers. The goal of the Government is to reduce the amount of drugs being consumed. It is a zero tolerance policy. But the harm reduction programme associated with addiction has not been that successful.

So long as the tool to control drug is repression and sending people to jail, that policy has been shown to be disastrous. Despite all effort by police to prevent the influx of drugs, the situation has not changed. On the contrary, the police crackdown has the effect of putting behind bars vulnerable young persons who, in jail, will mature into hardened villains. Being a very lucrative business, putting behind bars known traffickers will leave a gap to be filled promptly by acolytes who are very active and are receiving instructions from the 'boss', who are being looked after by the State. The known traffickers have now their registered business office within the precincts of our prisons and business is as usual with the use of modern communication system.

The setting up of the present Commission is a golden opportunity, a unique chance to rethink the drug policy which clearly has not worked and with the ingenuity of drug

traffickers, new problems are looming in the horizon. The Commission will not fail to make pragmatic recommendations for **'Hand in Hand: We can make it'**.

2.4 PROPONENTS OF LEGALISATION OF CANNABIS

Each country has its own approach and the Commission considers that it is not proper just to emulate what others had done as we have our own cultural specificities, history and moral values. Despite the heated debate around the legalisation of cannabis, proponents of the legalisation movement have proffered that cannabis is the safest natural soft drug, having never caused any fatal overdose. Argument has been advanced that legalisation of cannabis would be a safeguard for youngsters who might wish to indulge in drug intake by moving them away from the deadly uncontrollable proliferation of locally mixed synthetic drugs. Some are adamant that cannabis has many virtues and is the panacea for many ailments and urge the Authority to condone cannabis for medicinal use as have been the case in many countries. Argument has been put forward as well that one should not shield one's face over the fact that for certain religious ceremonies, cannabis in the form of a drink commonly known as 'bhang' is consumed and people must shed their hypocritical attitude and acquiesce the cultural reality. Rastafarians vindicate as their philosophical ideologies that prohibiting a Rasta to indulge in cannabis is an attack to his constitutional rights to practice freely his religious belief.

2.5 NEED TO FOLLOW BEST PRACTICES

The Commission is of the view that what should be done is to adopt the best practices which can be culled from the different policies and the strategic plans of the various countries to which some of the witnesses before it have referred to. The Commission will not try to reinvent the wheel which had been tested, approved by eminent scientists, health practitioners and world leaders, if that served the avowed purpose of the country. The Commission notes that the WHO has never condoned the use of cannabis for medicinal purposes. The Commission will not shun away from this thorny conundrum and will devote later in Chapter 10 its recommendations to this vexed controversial issue.

2.6 DRUG FREE ISLAND- UNREACHABLE QUEST?

The Commission has not lost sight that one would be living in Utopia in believing that a country can be drug free when control at the points of entry of the illicit drugs is tightened with no influx of drugs into the country and less repressive strategies adopted to manage the victims of drugs. Countries will still face a drug problem because one still has to guard oneself against the danger of over prescription of addictive drugs by complacent medical practitioners in the absence of a protocol devised and efficiently controlled by the authority. One should be wary as well of the abuse made by certain pharmacies which had been selling psychotropic substances over the counter to well known drug abusers.

The Commission considers that the relevant authorities must urgently consider promulgating standards of practice and strict protocols for treatment of drug abuse which must be adhered to by all medical practitioners and the Commission also urges the Authority to consider the implementation of a family doctor scheme and will make recommendations in a later chapter along that line.

2.7 FAILURE OF INCARCERATION POLICY

Evidence has shown that our repressive drug policies have failed to take into account the human factor. The Commission has not 1lost sight of the fact that prisons, not only here but worldwide, are filled with people incarcerated for drug offences or for drug related offences, many of whom were driven to drugs due to addiction or poverty or drug dealings to secure their daily doses and whose place was not the prisons. No doubt many had been caught in the drug web through sheer greed of quick easy money as witnessed by the numerous arrests of foreigners at the different points of entry to the country. Those 'mules' dare take the risk of the mug's game and indulge in the Russian roulette taking uncalculated risk of trying to slip through the vigilance of the Drug Enforcement Agencies but not often with success.

High incarceration levels have a negative impact on those who are imprisoned being given that insufficient attention is given to the rehabilitation aspect of those detainees. Even if there is a semblance of treatment, the low percentage of success should have interpellated those at the helm to rethink their strategy and methodology which have been proved to be ineffective and a failure. Those called upon to manage the harm reduction policy and strategies must be persons of high calibre with proven track record and who must be dedicated to alleviate the miseries of the drug abusers.

The Commission is fully aware of the collateral damages caused to the families of the detainees but also of the huge economic burden placed on the State and the society when the budget allocated to maintain the detention centres and for the smooth running of the Drug Enforcement Agencies to uphold law and order could be put to better use.

The Commission is also aware of complaints of punishment which is alleged to be highly disproportionate, with lengthy prison stays handed out for minor offences because of the bad record of the convicted. For the drug abuser cum dealer, the definition of a drug trafficker having as the main criteria the street value of the drug secured has been an area of debate and considered as being unrealistic when in truth the drug abuser cum dealer is a pauper, unlike the real trafficker who has amassed a fortune.

It is questionable whether incarceration has any effect on the drug abusers and the drug abusers cum dealers when the prisons do not cater for a proper programme of detoxification and when there is a complete absence of psycho-social support and follow up after the release of those detainees.

2.8 NECESSITY OF PROPER FOLLOW-UP

The dispensing of methadone at local police stations as per the methadone programme is *per se* just a palliative harm reduction strategy and has to be reconsidered. Many of the drug abusers are often left on their own, abandoned by spouse and family and only cared for by certain NGOs if ever the drug abusers turned to them but they finally found themselves engulfed in the drug spiral not having the proper psychosocial support and obviously the lack of will to get out of the drug web. The relevant authorities should be conscious of the devastating relapse syndrome of the drug abusers who at that crucial moment require greater attention and long term follow up which seems to be lacking. More details will be given on the notion of psychological dependencies and the causes of relapse in Chapter 14.

2.9 RECIDIVISM-FAILURE OF INCARCERATION POLICY?

The Commission received testimony of the high percentage of recidivism amongst that category of detainees who returned with conviction of a more serious nature, be it for drug offences or drug related offences like robbery and mugging. The Commission has heard of complaints of the blot caused by a certificate of character [previous conviction] which is a huge handicap for reinsertion for those who have been convicted for minor drug offences especially the drug consumers.

2.10 PARADIGM SHIFT!

What is required is therefore a paradigm shift in the approach especially for those who had fallen into and got entangled in the drug vortex, the genuine drug consumers and the drug abuser cum dealers who have to find means to get their daily supply, to whom the authority, for the sake of the society, must lend a hand to salvage them and to show much greater empathy and this is what the Commission has in mind.

2.11 ALTERNATIVE TO THE CRIMINAL JUSTICE PROCESS

The Commission views there is a need to redefine the category of drug offenders with definitely more humane approach and new measures implemented for the genuine consumers. The Commission proposes to look into an alternative to the Criminal Justice System for the real drug abusers who are bound to follow a programme failing which the last resort would be to leave to the Courts to take care of them. It will be a contract between the drug abuser and the new administrative panel on a set programme and customised for each drug abuser for a definite period of time with duties and obligations but which would not have a blot on the character of the person once the programme had been successfully completed.

2.12 TRAFFICKERS AND ACOLYTES-BEWARE!

But obviously for the real traffickers, their closest acolytes and financiers, the sanction must be exemplary. Some witnesses are advocates for the reintroduction of the death penalty for the traffickers and the Commission will address that issue. The Commission notes that our law has already provided for very long terms of imprisonment together with hefty fines assorted with tracking and confiscation of wealth amassed by traffickers or in most cases put in the name of their nominees. Moreover, those sentenced as drug traffickers or child abusers are not entitled to an automatic remission of their terms of imprisonment. The Commission heard of the great difficulties of the prison authority to control those sentenced drug traffickers. The Commission will look into the issue and will be making recommendations in that regard when dealing with the problems in prisons.

2.13 *JUGE D'APPLICATION DES PEINES*

The Commission has in mind the setting up of a system of '*juge d'application des peines*', whose responsibility is to review the parole system, the granting of licences, applying disciplinary sanction against the prisoners, monitoring detainees in the various regimes to be set up by the administration to evaluate their attitude and progress and to encourage detainees to comply with the in-house regulations of the prisons and also to control visits in prisons amongst others.

2.14 HOLISTIC APPROACH-HAND IN HAND

In view of the complexity and pervasiveness of the drug abuse problem and the harm inflicted, the solution to the problem must be a multidisciplinary, multi sectoral approach embracing a multitudinous category of persons having the required experience and competency in the relevant fields as the conundrum cannot be tackled by the State alone. It has to cope with the effects of addiction and at the same time having to increase the budget of the Law Enforcement Agencies which have so far, for statistics purposes shown a good number of arrest and seizures. Nevertheless, there is still a wave of mules trying to bring in drugs. The State with its limited resources will remain in the Sisyphean cycle.

There is now the need for a holistic approach with specific targets set by the Apex Body whose responsibility is to look into the country's drug problem, to be the locomotive, the driving force of all the agencies and NGOs to tackle the blight. All statistics collected by all stakeholders should be channelled to the new Apex Body, the National Drug Policy Commission, to allow an in depth analysis of the drug problem, to enable it to issue directives as to the strategic approach to tackle the ingenuity of the traffickers who have always been able to beat the surveillance of the Drug Enforcement Agencies.

2.15 CRIMES ASSOCIATED

Drug problems are not new and it is not simply an endemic problem but obviously an international one, as all countries in the world are facing similar problems to a large extent. Some have greater headache to grapple like gang warfare and murders and we must consider ourselves lucky as crimes of such magnitude have not reached our shores but that does not mean the law enforcement agencies must not be on their guard and be vigilant, bearing in mind the case of the murder of Denis Fine where Sada Curpen was prosecuted for giving instruction to commit murder must be an eye opener. Moreover, in the age of electronic technology, the world has become a global village where with a click of the mouse transfer of huge sums can be effected instantly, if bitcoins are not used without the relevant authority having knowledge of it.

2.16 RAMPANT/EXPLOSIVE PROLIFERATION OF PSYCHOACTIVE SUBSTANCES

Worst still, the world is facing a serious urgent dilemma with the advent of synthetic drugs which is causing havoc. Those new psychoactive substances are purchased over the net and are presently affecting mainly the youth in Mauritius and the relevant authority should have been able to flag that trend through proper monitoring of the internet and be more proactive in alerting the ADSU. Alas, there seems to be a lack of initiative and a total absence of sharing of intelligence until the call for action harped upon daily by the media through the questioning of the relevant authorities of the danger of the rapid proliferation of such deadly substances and the inability of the authorities cope with the situation.

2.17 LOCAL AND INTERNATIONAL PARTNERSHIP

The Commission considers that the community at large as well as the NGOs have a major role to play in collaboration with local and international partners in this raging battle. The public and private partnership approach must be reinforced in a spirit of patriotism to eradicate the common scourge. Being given the scale and magnitude of the problem, every Mauritian family can be considered to be at risk either directly or indirectly. The need for an active, real and efficient regional and international cooperation to exchange information, intelligence and help, which is sorely lacking as deposed before us by the ADSU. This has to be looked into urgently as the country cannot on its own with its limited resources contribute in a meaningful way to eradicate the worldwide epidemic. The Commission also met with some difficulties. Assistance was sought from those countries to obtain particulars of the telephone numbers which had been used to communicate with prisoners in Mauritius as found by the Commission's Investigating Team but there was no response save for one country which was not helpful.

Moreover there seems to be a complete absence of trust amongst the personnel of the various Drug Enforcement Agencies. Being given that the drug agency officers of some of the countries known to be channels of drugs for Mauritius are corrupt, there has been a comprehensible unwillingness to share information and intelligence for fear that the traffickers would be tipped off endangering sincere, conscientious, righteous officers. The Authority must urgently call for a brainstorming session to put order in this area if there is a genuine desire to win the war on drug in the region.

2.18 TRAFFICKERS' NETWORKING

The Commission considers that the population must wake up and not remain an idle spectator or a moaning victim, when the drug barons are gaining ground despite effort of the Drug Enforcement Agencies. In the meantime the drug traffickers have developed a very solid highly sophisticate network comprising of prison/police officers, customs officers, pharmacists, complacent doctors, bookmakers, casino owners, jockeys, money changers, financiers and lawyers. In remaining silent and not denouncing the real culprits in their neighbourhood, they become accomplices when they should have been the foremost line of the battalion to wade off the drug traffickers.

2.19 JUVENILE LABOUR-EXPLOITATION?

Worst still, some are real active collaborators of the drug traffickers as the Commission heard of the traffickers taking very good care of the needs of those in their vicinity and many families in those areas are clearly in dire need of financial support. Young school children or '*enfants des rues*' abandoned by their parents or who had abdicated their parental responsibilities leaving the children to gang up as well as '*enfants dans les rues*' are used by drug traffickers as testified by one NGO. They were posted at strategic points, remunerated daily just to keep watch, signalling through mobile phones or using other codes the traffickers of the presence of police movement or ADSU in the vicinity.

It is clearly unhealthy and an alarming situation that in some Residences previously known as *Cités*, some families would challenge and even dare to physically attack the ADSU when the latter tried to lay hands on a trafficker thus compelling the ADSU to

call in aid the Special Mobile Force [SMF], the Special Supporting Unit [SSU] or the Groupement D'Intervention Police Mauricienne [GIPM], the helicopter and the police dog unit when effecting a search.

2.20 VULNERABLE HUMAN SHIELD

The drug traffickers are well versed in their mobocracy stratagem where young children or women are used as barriers against the Law Enforcement Agencies and when reasonable force is used, the law enforcement agencies take the blame. That strategy had already been flagged by the Rault Commission in 1987 and the Commission notes with concern that the problem is still a reality. The Commission firmly believes that the religious leaders and credible NGOs should be called upon to act as buffers to prevent such occurrences being given their credibility and acceptability by the whole community.

2.21 IMPOSSIBLE DREAM?

All must join forces together in the pursuit of the common purpose namely to have a healthier society with less crimes linked to drug abuse and with a paramount goal to protect the vulnerable. It is too well-known that a healthy society rests on three fundamental pillars, the government, the private sector and the civil society where each has a distinct but complementary role to play and they must work together to create the most for the society. Moreover, it is crucial to ensure that there is a healthy population capable of contributing to the sustainable economic development and growth of the country. The approach is through education, poverty alleviation, family solidarity and a change in the mindset of the population, with greater cooperation and collaboration of the public with the law enforcement agencies to uphold law and order so that there can be a stop to all forms of illegal activities associated directly or indirectly with drugs.

2.22 ABDICATION OF PARENTAL RESPONSIBILITY

The Commission notes that the parents in many families are themselves the primary culprits for the state of affairs. They have completely abandoned their parental responsibilities and are bad models. It is too well known that for every word uttered and every action taken by an adult, the children are watching and look upon the adult as the role model. Conscientious parents have made many sacrifices for the education of their offspring and have developed a nobility of character, learning to put into practice selfless truths.

Teachers are also parents and they take over the responsibility when the parents entrust their children to them. There seems to be a trend of teachers not fulfilling their role not only as an educator but as a mentor resulting in their inability to discipline the unruly children and adolescents. The Commission heard with concern that many of today's parents no longer have respect for the teachers. The Commission is aware of many cases where the parents of children who have been disciplined by conscientious and caring teachers have called at the school and assaulted verbally or physically those teachers in the presence of the children.

Parents and Teachers Associations should at all costs be more proactive. Substance use and abuse must find their place high on their discussion agenda. This is a matter which the Ministry of Education and Human Resources, Tertiary Education and Scientific Research must seriously look into for it is well known that children have never been very good at listening to their elders, but they have never failed to imitate them.

The Commission has received credible information from its investigation team that in respect of a case, the whole family is associated with drug trafficking albeit that some family members are behind bars and are still very active. Some of them had been called by the Commission as they were in constant communication with the prisoners and they were also topping up the mobile used in prisons.

The Commission expects that further enquiry be carried out by the relevant authorities after the submission of its report to scrutinize the numerous itemised bills provided by all telephony service providers of all the persons called including prison officers and police officers, albeit that the ICAC, MRA, FIU have started digging into the assets of those persons following their deposition.

2.23 JOINING FORCES

The necessity of community policing by the public and the police force must be reconsidered and applied as it is being done successfully in certain regions to combat burglary. Religious bodies must also be enlisted in this fight and the Commission appreciates and thanks those responsible heads of religious bodies who had found time to depose before it or sent a memorandum. In view of their influence, all Socio-Cultural Groups have also their share of responsibility in this national crusade against drug traffickers by informing, educating, and encouraging their members to denounce traffickers in their neighbourhood. When fighting in a group, the chances of victory will be greater than a sniper shooting at random.

2.24 NEED FOR GENUINE AND SINCERE COOPERATION

Competition amongst all the stakeholders must not blot out the essence of the ultimate aim and obviously personal ego amongst the various Drug Enforcement Agencies has no place in this fierce battle against the ruthless serial killers who have no master save money and who, through corruption, have already infiltrated various departments and even have allies amongst politicians. The Commission has received testimony of the internal fight amongst the personnel of ADSU, jealousy triggered by the reward money which a successful team gets, deliberate tip-off of raid by some officers who are at the beck and call of the traffickers, the semblance of collaboration with the Customs Anti-Narcotics Squad, which led the Commission to look into revamping the whole unit.

2.25 BLACK SHEEP

The Commission is fully aware of the lack of trust of the public not only towards the ADSU but also towards the police force at large because of the attitude of some black sheep who are a disgrace to the police force when the latter's role is to be at the service of the community to uphold law and order and to be an ally of the public.

Being a disciplined force, the public would have been expected to look upon those members as role models and protectors but alas, many bring discredit to the force and more often than not no serious sanction is taken against errant members and even if taken, the procedure is too long and they receive their pay during the long period of suspension. Instead of bringing the errant officers to task, at times, they are simply transferred to other units of the force, thereby not solving the conundrum. The Commission was not surprised when there were so few volunteers who came forward to denounce the drug traffickers.

2.26 SHAKE UP

Coupled with that, there is a huge hurdle to surmount, the undisciplined public at large who take no heed of the law and their attitude for transgressing law and order is legion every day. The relevant authorities must brain storm, look into the root causes of all the problems in a holistic manner, take prompt action for the sake of the society especially when Mauritius is selling itself in international fora as a peaceful, rainbow society, the melting pot of the civilisation of the world and which some tourists, after reading the press, may mistakenly consider the island to be a drug haven. The record seizures of dangerous drugs not only for Mauritius but also for the Indian Ocean and African regions should sound like a clarion call to the whole nation.

2.27 RECRUITMENT CHANGE

There is a serious need to review the method of recruitment of personnel of the law enforcement agencies and their training as some that we heard are not fit to be serving the community. The Commission heard some of them but it was just a surface skimming exercise because of lack of time and this pernicious problem needs to be probed into deeper and seriously forthwith by the authorities concerned after the submission of the report.

Without a competent, diligent, efficient, trustworthy and professional force, nothing concrete towards the fight against the proliferation of drugs can be achieved. Mediocrity, corruption, abuse of power will prevail and it is therefore of paramount importance that the Authority urgently looks into the recruitment and training of the enforcement officers. All these have led the Commission after anxious consideration to recommend scrapping both units to replace them by a new team made up of incorruptible, professional investigators as will be expatiated in Chapter 17C.

2.28 MASTER PLAN RESPONSIBILITY

There is an urgent need to set up the Apex Body, the National Drug Policy Commission, spearheaded by the Prime Minister's Office to state clearly what is the National Drug Policy of the country, focusing on restricting supply, reducing demand, harm reduction, treatment, rehabilitation, education, research, training, collecting data, gathering intelligence, analysing statistics and producing evidence based report, is of paramount importance in this war against drugs. To be successful, there must be strict compliance in its implementation and monitoring.

The Commission is aware of the visit of the UNODC especially to advise the Government in the setting up of a strategic plan. The Commission received a courtesy visit from the delegation and the Commission has its own view on this matter and will expatiate further under Chapter17A with the wishful thinking that its proposition will

alleviate the sufferings of those already in the torment, remove the public stigma and hopefully bring solace to those really in need and to pave the way to their rehabilitation and salvation.

CHAPTER 3: METHODOLOGY - APPRAISAL

3.1 OUR PREDECESSORS

Having regard to the vast terms of reference, the Commission worked out a plan for collecting evidence in view of the reluctant attitude of the public to denounce the serial killers residing or trading in their vicinity. The Commission considered the recommendations and findings made in the report of the (i) Select Committee on Drug Addiction chaired by the then Honourable Madun Dulloo [1985], (ii) Findings of the Commission of Enquiry on Drugs chaired by late Sir Maurice Rault Q.C. [1987] and (iii) Select Committee on Drug Addiction and Drug Trafficking chaired by the then Honourable Jérome Boulle [1995]. The Commission is fully conscious of the pragmatic, multidisciplinary and multidimensional approach of the 2004-2009 Master Plan Report which had unfortunately never been implemented for reasons best known to those policy makers concerned, The Commission noted that some of the recommendations had sadly remained very relevant and pertinent today despite the passage of time and despite certain efforts made at a certain time to implement certain of those recommendations.

3.2 ABSENCE OF CONCRETE ACTION

Unfortunately, no concrete and serious action had been taken to tackle the innovative methods used by drug traffickers in this technological age to buttress their illegal activity. Despite the fact that the ADSU was fully aware of the use of smartphone by the drug barons from the prisons to communicate with their accomplices in the country and abroad in order to pursue their deadly lucrative trade, not much had been done to really combat the new methods used by the traffickers. The Prison Authority was also fully aware of the root of the cancer but *ad hoc* solutions taken did not fill the gap because of sleazy officers within the prison precincts. Much has been said regarding the lack of proper equipment, mainly electronic, through lack of fund besides the loss of precious time having to go through an application to the Court to secure authorisation to retrieve information from the telephony service providers, which because of the red tape, resulted in missed opportunities as the culprits could not be caught red handed.

3.3 MASTER IN BUSINESS

The fight against drug trafficking is an arduous continuous everlasting battle. As like the hydra, the chopping of the heads will automatically regenerate in their place more heads to continue with the lucrative trade using more sophisticated methods and having a business-like approach with different levels of responsibility and a bevy of distributors which would make entrepreneurs ashamed or blush. They also have their pools of legal advisers. They have carried out their own due diligence and know the weak points of the authorities which enable them to have as easy preys underpaid prison officers, police officers in the ADSU and at the Passport and Immigration Office as essential conduit in their deadly enterprise.

3.4 LOST BATTLE?

The Drug Enforcement Agencies need to adapt to the challenges of the drug traffickers, to adopt new strategies in order to be able to match and surpass those of the traffickers and to join forces since the ultimate aim is to get rid of the drug scourge which is presently affecting our youth. There is no doubt a need for flexibility and for new perspective. The Commission believes that competition between the ADSU, the specialised squad of the Police force in the fight against drug and the Customs Anti-Narcotics Squad to claim credit for the arrest of traffickers is unhealthy and it does not serve the purpose of the country in its war on drug. But alas, instead of pulling together all resources and information, there seems to be a lack of trust in their partnership and the sharing of information, as and when, on a need to know basis, is certainly not conducive in the war against the drug barons where gathering and sharing of intelligence is the key to success. This futile quarrel greatly benefits the traffickers who are always miles ahead of the authority in view of their innovative approach and financial support and capability to infiltrate various institutions and who seem to know in advance what is in store for them before the Enforcement Agencies closed in on them.

The Commission has been informed that this was due to the acts of a handful of greedy, unpatriotic, selfish and corrupt officers, who have so far not been identified to be put behind bars and certainly who do not deserve to be members of the disciplined force. In fact, *c'est le monde à l'envers*, instead of the ADSU relying on informers before planning a raid, it is the traffickers who are forewarned of such raids by informers within the police force.

3.5 COLLABORATOR OR FOE?

In its search to know how drugs can still enter the country despite strict controls at the main entry points, the Commission heard the main Drug Enforcement Agencies namely the ADSU and the Customs Anti-Narcotics Squad to understand their methodology in the fight against the drug scourge. The Commission noted numerous loopholes despite many seizures highly publicised in the press but which never led to the real culprits. The small fries will always be caught and still more will come in wave to satisfy the market and because of the Mafiosi code, matters will rest there and the real culprits hardly attained, enjoying peacefully their ill-gotten riches. Despite the numerous seizures and arrests, there is yet a proliferation of the drug in the island as flagged by the NGOs and the Commission wonders how much had gone through the net which is a clear indication that the system of surveillance used by the Drug Enforcement Agencies is not efficient and foolproof.

3.6 NO SATISFACTION

The Commission learnt with great satisfaction that efforts had been made by the Drug Enforcement Agencies after their passage before it and many detection and seizure of heroin in kilos not grams and synthetic drugs had been effected lately but unfortunately, again only fries had been caught and the real trafficker and financier are still at large. The Commission considers that the Drug Enforcement Agencies must change their strategy in view of the attitude of those arrested who are bound by the Omertà and who obviously fear for their security.

The Commission made it very clear to heads of the law enforcement agencies that the Omertà is the backbone of trafficking where traffickers had taken a vow never to divulge any names when they are arrested by the police with the solemn promise that the family will be taken care of during their stay in prisons. The Commission has considered this problem and will be making its recommendations to have a proper professional, reliable, trustworthy and efficient intervention force capable of outsmarting the traffickers.

3.7 BEHIND CLOSED DOORS

The Commission heard the Commissioner of Prisons to find out the extent of drug problem in detention centers and how drugs could still enter the prisons despite the strict security put in place. The Commission also heard of huge amounts paid towards the fine imposed by the Court for those sentenced for drug trafficking by persons who were not even related to the prisoner or whose family clearly did not have the means. Similarly, huge amounts had been paid through postal orders to the account of the prisoners without the identity of the sender being known and the Prison Administration did not even raise an eyebrow to cause an investigation. It was not until recently that remedial action was taken after the incumbent Commissioner had been questioned about this method of money laundering which was taking place under his nose and with the eyes wide open. Were those payments effected in furtherance of the Omertà, no enquiries had been effected by the authorities concerned.

3.8 BUSINESS AS USUAL

The Commission was appalled and flabbergasted to learn that the real problem of drug trafficking in Mauritius had its source within the prison walls engineered by notorious convicted drug traffickers, local and foreigners, who are serving long sentences in the prisons with the use of mobile phones and smartphones. The Prison Authority has provided a list of those prisoners to the Commission [Annex 3].

Witnesses have revealed to the Commission that they had been offered between Rs10,000 to Rs100,000 for the smuggling of one smartphone which means that one smartphone brings almost five fold their monthly salary for some. The Commission noted that for the period May 2014 to November 2017, over 1500 phones with sim cards were secured from prisoners but how many are still in circulation is a mystery since the prisoners are still communicating with the outside world. At Rs10,000 per phone, some Rs15,000,000 would have changed hands and the astronomical figure of Rs82,500,000 would have changed hands if a phone costs on average Rs55,000 bearing in mind that the latest smartphones on the market cost around Rs40,000.

3.9 USE OF TECHNOLOGY

The Commission has evidence that communications were made through WhatsApp or Viber which are encrypted and impossible to decode with the present available technology. The Commission found from the report of the Commissioner of Prisons that there was an astounding number of phones and sim cards secured from the prisoners. This is unacceptable, the more so in places considered to be secured where access is not given to any member of the public except to those having real business to be in those quarters.

3.10 SORE POINT

This sore point led the Commission to probe deeper into the ways and means by which smartphones and sim cards found their way in the prisons even in the high security and segregated areas where high profile convicted drug traffickers were kept. The Prison Administration and the Police were fully conscious that many prison officers had been caught in the web of the drug barons to do their dirty job in return of advantages. Some of them had been called before the Commission and many have yet to be arrested and the Prison Intelligence Unit is closely keeping an eye on them.

Despite the fact that remedial actions were taken, the Commission heard that smartphones were secured from notorious drug traffickers recently even when segregated. The Commission has been apprised of the dirty role of certain senior prison officers who on all probabilities are the main culprits for the proliferation of smartphones, sim cards and other prohibited articles like highly poisonous '*Lannate*' handed over by a convicted drug trafficker to the Commission to show how porous the prison is despite alleged high security and searches undertaken.

The Commission will be making recommendations for remedial action to be taken to tackle the problems relating to the drug issue in prison under Chapter 7.

3.11 NATIONAL COAST GUARD

The Commission also looked into the role of the National Coast Guard in the fight against entry of drugs by sea in view of the large extent of ocean surrounding the Island as well as Rodrigues. The Commission has also taken on board the difficulties they are facing through lack of modern sophisticate equipment and absence of technological facilities to track the would be offenders and more especially to get hold of the big bosses whose identities are well guarded through the Mafiosi code of non-denunciation and protection.

3.12 TOURISM AUTHORITY: GONE WITH THE WIND

The Commission also questioned the Tourism Authority responsible for granting permits for speedboats, yachts and catamarans and noted the clear absence of any control thereafter. Even though it had been known that traffickers had purchased powerful speedboats, yachts or catamarans through trusted intermediaries, no positive action was taken by that authority to review the conditions for the granting of permits until the deposition of the responsible officer when it suddenly dawned upon him that there is an urgent need to reconsider the granting of licences, their subsequent monitoring and control besides the routine check of whether the skipper had complied with all the conditions laid down in the permit.

3.13 FISHERIES: BIG BROTHER IS THERE NO WORRIES

Similarly, the responsible officer of the Fisheries Department was questioned and that authority was of the view it was not their mandate to track drug traffickers believing that it was for the ADSU and the NCG which were better equipped for that job. The responsible officer also realised after he was questioned of the danger of fishing boats of some 7 meters long going outside the lagoon without proper equipment and most of all a tracking device for the NCG to locate them in the high seas promptly at less costs to the State.

3.14 FOREST DEPARTMENT: NOT MY ROLE

Since there is evidence from the ADSU that the majority of cannabis plants was uprooted in the forests, the Commission heard the responsible officer of the Forest Department and was appalled by the easy-going attitude of the officers who considered it was ADSU's job and not theirs. The Commission understands that the Department was understaffed and underequipped having regard to the inaccessible places where cannabis plants were cultivated and the vast extent of forest under their responsibility. Officers of the Forest Department should feel concerned of the danger of traffickers using huge amounts of herbicides, insecticides and fertilizers to cultivate cannabis which might destroy the flora and fauna and pollute the underground water.

3.15 WHO CARES?

The Commission having received testimony of the sale of psychotropic substances by certain pharmacies with the collusion of errant doctors, probed into the issue of control by the Pharmacy Board and the Medical Council. The Commission also looked into the control of psychotropic substances in public hospitals and heard the responsible officers. Numerous loopholes were noted and recommendations will ensue.

3.16 NO DANGER!

Since the question of manufacture of synthetic drugs had been the talk of the town, the Commission looked into possible precursors used and probed into the importation and control of dangerous chemical substances. The Commission was appalled by the irresponsible attitude of the responsible officer who believed that it was not the responsibility of his department to authorise and control the importation of those inorganic chemicals which could be used in the production of drugs. Moreover, there is a total absence of monitoring and supervision of sales of those dangerous chemicals.

3.17 ARRESTED SUSPECTS-TO HEAR OR NOT TO HEAR

The Commission has decided not to call persons who are still under investigation for alleged drug trafficking by the ADSU or for alleged money laundering by the ICAC for the simple reason that the persons concerned are bound to reply to questions put by the Commission and whatever evidence obtained from them cannot be used in any criminal or civil proceedings against them [vide section 12(2) and (3) of the Commission of Inquiry Act]. Following our report, the authorities concerned will have to carry out its own enquiry to gather evidence which will be admissible in a Court of law. Therefore, the Commission thought it right not to interfere with the enquiry of those bodies and the Commission only called some of those apprehended to clarify the Commission on certain aspects like showing connection of those persons concerned with well-known drug traffickers when those suspects had already elected their right of silence before the authorities concerned when questioned and they were not co-operating in the enquiry.

3.18 SIM CARDS- I JUST CALLED TO SAY...

The enquiring team led by ASP H.Tuyau with the help of the Intelligence Cell of the Prisons was able from the sim cards and mobile phones secured from the prisoners to

trace out those persons who were in contact with prisoners through unlawful means. They consisted of relatives, friends, accomplices, police officers, prison officers and barrister at laws many of whom had been called. However, the Commission did not deem it necessary to call all of them as that would have been a tedious exercise which would not bring more to what the Commission had found out as being the modus operandi of the prisoners.

The Commission would leave them to the appropriate authority to enquiry further and take appropriate actions if deemed necessary. Batteries of smartphones had to be charged and the detainees had found ingenious way of connecting to the electrical system and oddly enough without being detected. The only reasonable conclusion is that they had the blessing of the corrupt prison officers.

3.19 GOLDMINE

More especially in respect of barristers, the Commission has closely scrutinised the visitors' books in prisons for barristers and cannot understand the reason for unsolicited single or group visits of convicted offenders whose appeals had been disposed of and as well as those who are on remand by a number of barristers, some of whom are also politicians. The situation that prevailed and still persists behind closed doors was a source of serious concern to the Commission and one for which the prison administration could not be oblivious. It is clear that there was a '***laissez aller***' and even a '***laissez passer***' and worst still, the obsequious subservient attitude of the prison officers *vis à vis* the barristers can be perceived from the answers obtained to questions put to certain officers.

The Commission probed into the matter and called only those who had been in unlawful phone communication with the prisoners and /or those who had unsolicited visits with them to understand how such a state of affairs could still be happening in a secured place despite the fact that the alarm bell was sounded in the report of the Select Committee chaired by the then Honourable Jérome Boulle in 1995. The Commission heard from the Union of Prison Officers of the attitude of barristers and how some of them would suddenly appear in prisons when notorious drug traffickers had been disciplined.

3.20 DEVILS' ADVOCATES

The Commission will devote in a separate chapter issues concerning the barristers later and will make recommendation with a view to putting some order in this chaotic situation albeit that the incumbent Commissioner of Prisons, after his passage before the Commission, has started to take positive action to put order in the prison administration despite complaints of prisoners and the displeasure of some lawyers who were used to red carpet treatment and now found it *infra dig* to have to make prior written application to visit a prisoner.

The Commission heard from a notorious drug trafficker that some counsel would attend promptly and unfailingly in return for exorbitant fees. The Commission's Investigating Team did probe further into this specific matter to find out if those counsel were not knowingly accepting drug money, the more so that two notorious drug traffickers behind bars told the Commission that they had paid counsel with proceeds of drug and one of them completely ruined having spent some Rs25m as

fees to his bevy of lawyers. Unfortunately because of lack of time, the Investigation Team was unable to bring cogent evidence to enable the Commission to call them.

The Commission will be making recommendation that the matter must be pursued by the relevant authority as the Commission is aware that in spite of freezing orders on the assets of drug traffickers, counsel had been paid and the Commission wonders whether they were not knowingly accepting money, proceeds of drug trafficking and are therefore laundering drug money.

The Commission has taken cognizance of some very disturbing facts concerning bar-at-law and politician Mr. Raouf Gulbul, chairperson of two key institutions namely the Gambling Regulatory Authority and the Law Reform Commission from which he had to resign in November 2017 after his deposition before the Commission.

3.21 NO MORE BETS

In the light of credible information, the Commission enlisted the help of the Gambling Regulatory Authority [GRA] and of the Mauritius Revenue Authority to accompany its Investigating Team to search a few gambling houses where laundering of drug money with the help of corrupt employees of the gambling houses was allegedly taking place.

It is noteworthy that the Commission heard neither of any forthcoming proposal from the then Chairperson of the GRA for any reform to plug any loophole nor the need for more personnel in the inspectorate division of the Gambling Regulatory Authority to increase the latter's efficiency and effectiveness to monitor casinos, gambling houses and the betting with bookies, the favourite playground for drug traffickers to launder ill-gained money.

The inability of the Gambling Regulatory Authority to carry out effective monitoring was recognised by the CEO of that Authority. It was during the deposition of the then Chairperson of the Gambling Regulatory Authority that the Commission was informed of the decision of the Government, and not the GRA, to tighten monitoring and control of casinos, gambling houses and betting at the race course.

The Commission has looked into the recommendations of the report of the Commission of Inquiry on horse racing in Mauritius chaired by Mr R. N. Parry DL, FCA and the unflattering remarks concerning the Gambling Regulatory Authority.

3.22 FSL: HELP!

The Commission also looked into the delay caused by the Forensic Science Laboratory [FSL] which is an essential partner of the ADSU and heard the Director of the FSL who explained the difficulties met by that institution. The Commission received complaints of possible tampering of the exhibits secured from drug abusers/mules and the responsibility could not be pinpointed because of the involvement of so many officers. The Commission will be making recommendations in respect of the FSL.

3.23 LAUNDERING PROCESS

The Commission also looked into the aspect of money laundering by drug traffickers. There is ample evidence that recourse had been made by traffickers and their accomplices through gambling in casinos and gambling houses, at the race course and through money changers. The Commission also received testimony of money laundering effected through the purchase of high class vehicles, powerful motorcycles, immoveable properties, discotheques and speedboats some in the name of bogus trading companies or their '*homme de paille*'. The Commission also considered how money left the country to pay for the illicit drugs.

3.24 NGOs PARTNERS?

The Commission heard several NGOs in the field of rehabilitation and must salute the good work effected by some of them in partnership with the State. However, the Commission received complaint of lack of financial support from the State which handicapped their mission. The question remains whether NGOs should rely on the State as being their benefactor for their survival/existence and whether or not they should show their complete financial independence *vis à vis* the State to benefit the hallmark of independence. The Commission will look into the issue of financial support to NGOs. The Commission is of the view that for the NGOs to receive grant or subsidy, they must satisfy certain criteria for the Authority giving away public fund is accountable, thus the necessity of providing information which NGOs refuse to provide considering them to be confidential and hence the delay or refusal to give the grant leading to protracted blame game to the detriment of the needy drug abusers.

Much has been said regarding the scrapping of the NATReSA and the Commission has probed into this issue and heard the views of all those involved in the demise of that institution which had been replaced by another Unit within the Ministry of Health and Quality of Life. The Commission does not deem it useful to rehash the NATReSA saga as it will be making recommendation on the issue of rehabilitation.

Some of the NGOs the Commission heard are proponents of the legalisation of cannabis. The Commission looked into the vexed question raised by the proponents of legalisation and the reasons put forward by them in support thereof.

3.25 FRIEND OR FIEND?

The Commission also looked into the sale of sim cards by the telephony service providers and the system of topping up. The Commission will deal with the procedure for the sales of sim cards and the issue of absence of monitoring of sales of sim cards to foreigners mainly workers from Bangladesh as it is those sim cards which were used in prisons and by some unscrupulous persons in what the Commission learnt as being termed as 'black phone'.

3.26 BLACK PHONES

The Commission also heard of the use of 'black phone' by persons whose real identity could not be traced out and the sim cards belonged to foreigners who had either left the country or the registered owner had passed away and yet the sim cards were still active and in circulation and there was no change in their ownership.

3.27 TOPPING UP

The Commission also looked into the danger of topping up the credit of mobile phones without proper control and this had enable the notorious drug traffickers to have their sim cards topped up by accomplices outside, some of whom had been called before the Commission and the Commission expects enquiries on them and action taken against them. The topping up of the sim cards of the traffickers in prisons allow them to use their smart phone to communicate abroad without the need of having to connect with a WIFI as that could be done by using the mobile data provided by the smartphone. The 14 digits code needed to top up the sim cards were also transmitted by sending the numbers through SMS.

The Commission is of the view that the matter must be seriously looked into promptly by the authority concerned and the telephony service providers and the Commission understands that when this gap had been flagged before it, the authority concerned had met the telephony service providers to start looking into the problem, which is a good sign that all have at heart the need to stop traffickers from their trade.

The Commission considers that ICTA has a crucial role in issuing directive to internet operator to track the internet users who visit too regularly certain sites notoriously known to be the source for synthetic drugs. Those who visit Darknet, silk road or other illegal sites should be flagged by the service providers. Regulations should be made to compel the service providers to collect the information and to communicate them to the police for investigation.

3.28 ICTA- NEED TO THINK OUT OF THE BOX

The Commission was appalled to hear of the sale of 200 sim cards at one go to an employee of a travel agency who had more than 25,000 sim cards registered in his name and who confessed that he was oblivious of the danger and shocked with disbelief when he was informed that some of the sim cards registered in his name were seized in prisons. The Commission also has evidence that some of the sim cards registered in the name of foreigners, mainly from Bangladesh, who had left the country were used in prisons to communicate with accomplices outside and with barristers. The authorities concerned must have proper monitoring of satellite phones as information gathered from the ADSU, traffickers are using them.

3.29 PUTTING ON THE VEIL

The Commission also questioned rectors of private and public secondary education regarding drug issue in their institutions but many stated that they were aware of the drug scourge and had enlisted the relevant authorities and certain NGOs to deliver talks regularly. Many stated that they had no drug problems in their institutions and the statistics received from them and from the Ministry of Education and Human Resources, Tertiary Education and Scientific Research revealed that the figure was quite low. However many confess not having any knowledge of the various types of drugs or symptoms related to drug abuse and thus their inability to have effective control and also the fear of court case against them for damages in the event of their having called the police and the alleged noxious substance found to be innocuous.

3.30 OPPORTUNITY LOSS

The Commission probed into the absence of extra curriculum activities after school hours. Many replied that they did not have that authority which apparently rests with the Ministry of Education and Human Resources, Tertiary Education and Scientific Research but when pressed whether they tried to get the required authorisation, the Commission was astonished of the negative reply.

It is too well known in this material age, both parents have to work to be able to make ends meet, and children after school hours, for the fortunate ones, they would attend private tuition while for the indigents, who cannot afford private tuitions, they do not really have responsible member of the family capable of taking care of and controlling them. Consequently, many fall into the trap of traffickers or friends with bad influence.

The Commission considers that the Ministry of Education and Human Resources, Tertiary Education and Scientific Research in association with the Ministry of Youth and Sports and the Ministry of Arts and Culture must take charge of children after school hours up to 18.00 hours to run cultural and sport activities, to put an end to private tuition as it is the duty of the teachers to give more attention those children who need coaching.

It is too well known that universities abroad consider extra curriculum activities as a plus for any student seeking admission. All work and no play will certainly make Jack or Jill a dull child and the country needs leaders, individuals who can think and not bookworms or copycats.

It would be an opportunity for the different ministries to identify children with talents and to coach them to become stars of to-morrow, since scholarship is also given for sports and other non-academic subjects.

3.31 REFERENCES

Finally, the Commission also looked into numerous literatures, publications as well as reports of the UNODC. Moreover, the Commission looked into the recommendations of the April 2016 UNGASS which is a mine of information to help the relevant authorities to think out of the box and for the responsible officers, decision makers, to be more proactive, to take the lead when the alarm bell has been sounded by the media and the NGOs of lurking dangers in the proximity and to take remedial action before matters get out of hand as was and is the case with the new psychoactive substances.

The Commission proposes to go into each of the terms of reference in seriatim and to make recommendations where appropriate.

THE TERMS OF REFERENCE IN SERIATIM

CHAPTER 4: THE SCALE AND EXTENT OF ILLICIT DRUG TRADE AND CONSUMPTION IN MAURITIUS AND THEIR ECONOMIC AND SOCIAL CONSEQUENCES [TOR I]

4.1 HISTORY

Indian and Chinese immigrants brought their traditional cultures into the country which included cannabis and opium when they set foot here. Smoking of cannabis and opium was restricted to traditional use at that time and around 1834 and onwards, it was not a public concern. Then in the early 1980s, precisely end of 1982 and beginning of 1983, came the problem of Brown Sugar, which is heroin in its crude form, and the purity of which was never 100%. The purity of drugs seized in the street was about 8 to 15% only while those seized at the entry points were much higher ranging from above 60%. The name brown sugar was given because of its colour as the heroin was mixed with another substance giving it the brownish colour. From that time, the drug trend changed. The drug usage shifted from traditional intake to a proliferated abuse with the fast development in the country, in the air and with sea links with countries of Africa, South East Asia, Europe India and Madagascar.

In view of the increasing drug proliferation, which has soared into a huge social problem, the Government set up in 1985 a Select Committee to look into the drug addiction problem. After the arrest of four members of Parliament in Holland, a Commission of Inquiry chaired by the former Chief Justice Sir M. Rault Q.C. to look into the problem of drug trafficking was set up in 1987 and finally in 1995, again with the soaring drug problem, a Select Committee to consider the issue of drug addiction and drug trafficking was set up chaired by former Honourable J Boulle.

During the past decades, there had been an evolution of the type of drugs in the country with a predominance of cannabis, heroin and subutex and also the psychotropic substances which range from a variety of cough mixtures, medicine, depressants and tranquilizers sold over the counter and at times without prescription by irresponsible pharmacists in association with certain errant doctors who thought they have struck the goldmine, and who have no qualms of the harm caused to the society at large. Some of them had been arrested by the ADSU and the licence of certain pharmacies revoked. The Commission will in a later chapter deals with the problems concerning the pharmacists and the medical practitioners.

The newcomer, the synthetic cannabinoids, commonly known as synthetic drugs with flavoury and very suggestive brand names made their appearance as from year 2013 and they started to cause havoc amongst youngsters as from 2014 and thus the setting up of the present Commission of Inquiry. The Commission will be looking lengthily into the havoc caused by this new laboratory drug as well as designer drugs, which is a form of synthetic drug, in a later chapter

Opium had almost disappeared from the scene with only one arrest in 2017 and similarly cocaine which was not in the radar of the ADSU had timidly found its way on the scene with one arrest each in 2016 and 2017 respectively. For ecstasy, there were only 3 arrests in 2017.

4.2 SCALE AND EXTENT OF ILLICIT DRUG TRADE AND CONSUMPTION

4.2.1 TYPES OF DRUGS

The Dangerous Drugs Act contains a number of schedules which deal with certain substances considered to be dangerous drugs. The main drugs that are prevalent in Mauritius are (1) Cannabis; (2) Heroin; (3) Subutex; (4) Synthetic drugs; (5) Hashish; (6) Cocaine; (7) Psychotropic substances.

4.2.2 CANNABIS

Cannabis is mostly locally grown and it is the number one drug in terms of quantity and prevalence. It is grown mainly in forests, sugarcane plantations, gorges, on mountains and in a number of inaccessible places, as well as it is cultivated in inhabited areas often close to vegetable gardens. The latest trend observed is the indoor plantation of cannabis, either hydroponics or otherwise in traditional flower pots. Some grow it on roof-tops, others under stairs or behind the house in some hidden corner. In Rodrigues, they were found planted on the roof of the hospital and in a remote corner of the airfield and in vegetable gardens. Some had been seized hanging from trees cleverly camouflaged and also on the islets around Rodrigues which fall under the responsibility of the Forest Department.

Many of the growers are known to the ADSU and some of them are first timers. The number of plants ranges from 1 to 50 for those who believe that they will not be caught. However, in terms of quantity, most of the cannabis is grown in remote areas where most of the time the cultivators are unknown as the land belongs to the State. In some cases on property of the sugar estate or on the private land without their owners being aware that their properties were planted with cannabis and the culprit never caught. The number of plants uprooted in one operation is from 50 to 3000.

From literature, there is evidence that traffickers in certain countries are making use of the latest agricultural technologies including hydroponics in their cultivation techniques and genetic modification yielding new strains which have resulted apparently in the spectacular increase in Tetrahydrocannabinoid [THC] content from 5-8% a few years ago to an incredible 25-30% or more today. But for the local cannabis, there has never been any scientific analysis to know its THC potency.

Generally speaking, cannabis is meant for sale locally. Those growing in larger quantities are aiming at a larger market whereas those who are growing it in limited quantity, still have a market but smaller limited to their circle. Cannabis in rather large quantities up to 4kgs had been imported mostly by foreigners residing in Mauritius either as students or workers. They may not be part of the bigger network. They operate with the connivance of locals. Foreigners arrested would be at their first attempt. The cannabis is hidden in their personal belongings on arrival at the airport or sent as parcels through the post in small quantities but on a regular basis.

According to the ADSU, one small packet of cannabis, commonly referred to as '*pouliah*', which is about 300mg, is sold at Rs200 to Rs300 and one gram of cannabis can be sold at Rs600. Whereas one plant of cannabis of any height is valued at Rs.3000 and one seed is sold at Rs100. Consumers purchased '*pouliah*' while peddlers or those in distribution, purchased either in grams or kilograms. However, the street value of the cannabis depends on its availability and quality.

4.2.3 HEROIN

Heroin is imported from overseas through two main points of entry, the airport and the port. They are hidden in the luggage of passengers, in their body cavity, in goods imported through containers and in limited quantity in parcels through the post office or couriers. They come from the routes or the countries as mentioned below and the quality of heroin is determined by the purity of the drug which is established by the Forensic Science Laboratory. For the ADSU, it is not the purity of the substance which counts but its weight. A seizure of heroin is counted in terms of weight by the ADSU. One dose which weighs about 10 to 16 milligram is sold at Rs200 whereas one gram of heroin is valued at Rs15,000 and one kilogram at Rs15m. While the FSL determines heroin by purity, the ADSU values it in terms of weight irrespective of its purity. In order to establish its street value, ADSU takes into account what the consumers pays for the drug in terms of doses, gram or kilograms.

4.2.4 SUBUTEX

Buprenorphine is commonly known as subutex, a pharmaceutical product in tablet form, which is a synthetic partial opioid agonist. Drug abusers used it through intravenous mode after having dissolved it in water and in some cases, either used orally or sublingually. It reached its importation peak in 2012. The drug came mainly from France, where it is legal, master-minded by a number of Mauritians settled in France. The traffickers have used, mostly, French nationals, loners, couples, stewards, crew members to smuggle subutex in Mauritius. Apart from France and Reunion Island, there is no evidence of any other country from where subutex had been brought into Mauritius.

But, with a number of major arrests, the business of subutex has gone down considerably. In 2015, there were only three to four cases of simple possession and only one case of drug dealing of subutex. From statistics, the situation concerning subutex is, more or less, under control from what it was in the year 2010 as the ADSU is maintaining vigilance on the route and the network involved in that traffic. Subutex is sold in fragments and the price of a fragment, which is 1/8 of the tablet, is sold at Rs300 and a full tablet at Rs2400.

4.2.5 COCAINE, OPIUM AND PSYCHOTROPIC SUBSTANCES

Cocaine and opium are not common and they are not prevalent in terms of arrests. For Cocaine, there was only one case in 2014 and three cases in 2006 for importation of cocaine. The street value of cocaine is the same as heroin and there had not been a network for cocaine in Mauritius. There had been no arrest concerning opium for a very long time and the last known case was in 2017.

Psychotropic substances are readily available, being sold in all pharmacies as medicines. Psychotropic substances are abused of, by some drug addicts and there was the problem of methadone which was distributed according to a program of substitution therapy to heroin addicts. There had been some 30 cases of sale of methadone by those who were given the drug for treatment under the methadone programme in as much as instead of swallowing the drug, they would keep it in their mouth before spitting it for sale.

4.2.6 HASHISH

It is an exclusively imported drug. There were one case of importation in 2003, 2005, 2007 and 2011, two cases in 2004 and 2010, three cases in 2012 and one case of importation of 4kgs of hashish in 2015, together with one case of dealing, and four cases of possession.

Although cannabis is widely grown in Mauritius, yet hashish, which is cannabis resin, is not produced in Mauritius and has to be imported. To obtain cannabis resin, a large quantity of cannabis is needed which is not available locally. There had never been established a case of hashish extraction locally. One packet of hashish of 200mg is sold on the street at Rs.600; one gram is sold at Rs3000 and for one kilogram, the price is Rs3m.

The last importation detected was from South Africa in 2015 and from an analysis of the world drug map, there has been no route for hashish in this part of the Indian Ocean.

4.2.7 ECSTASY

From 2000 to 2015, there had been one to three cases of ecstasy in Mauritius. In the years 2004 and 2005, there were three cases of ecstasy and in 2007, there had been one case of importation. For the past seven years, there had been no case of ecstasy detected.

4.2.8 KHAT

This drug apparently has not reached the shores of Mauritius although found in the African continent according to ADSU. But the Commission was made to understand that seemingly FSL had detected cathinone derived from Khat in one sample analysed.

4.2.9 STREET VALUE OF DRUGS AND REGION DRUG PRONE

It seems that the street value of drugs has known a slight variation in prices for the past year. From the statistics kept by the ADSU, it can be mapped that most of the drug related offences, save for cannabis, have been in Port Louis and its suburbs as well as in the region of Trèfles, Stanley and Rose-Hill. Some areas have been noted to be more drug prone than others. NGOs have reported that the problem is island wise although concentrated in the *Cités*.

4.2.10 ABSENCE OF STATISTICS

There has been a public outcry through the press supported by certain NGOs in relation to the proliferation of drugs and more especially in 2015 with the insidious spreading of synthetic drugs affecting mainly the youngsters which led to the setting up of the present Commission of Inquiry. The craze for synthetic drugs had taken the authorities by surprise and even the FSL let alone the ADSU, were unable to know their composition in the absence of proper equipment. Even sniffer dogs were incapable of detecting them. Recently, the legislator changed the law to include synthetic cannabinoid in the Schedule of prohibited drugs. Now the authorities are much more aware of the composition of synthetic drugs but for the health practitioners, it is still a challenge as patients attending hospital with obvious sign of

intoxication and with serious life threatening consequences in view of the incredible variety of synthetic drugs which neither the patient nor his relatives are capable of informing the treating doctor as to the composition or the substances taken, thus making treatment difficult if not impossible.

4.2.11 RECORD SEIZURE

While the Commission was in session, it noted that the press had been publishing articles almost every day, weeks in and weeks out, reporting that the ADSU and the Customs Anti-Narcotics Squad had been successful in making arrests and seizures of illicit drugs in the country. Not too long ago, the Drug Enforcement Agencies namely the ADSU and Customs Anti-Narcotics Squad had successfully seized in the Port, more than 135 kgs of heroin concealed in sealed compressors from a container coming from South Africa following a the tip-off followed closely by yet another consignment of 20kgs and those suspected are still on remand undergoing investigation. That was the biggest ever seizure and which gives an alarming indication of the high demand of heroin in the country.

4.2.12 TRAGIC EXPERIENCE OR CONSCIOUS SUICIDAL TASTE

Moreover, articles in the press regarding the death of youngsters or found in serious life threatening situation through absorption of allegedly synthetic drugs which could well have been the deadly locally produced mixture were legion. Reports of youngsters having been taken to hospital in precarious situation and taken seriously ill after consumption of synthetic drugs/mixtures had also been splashed in the press. Even not too long ago, there had been a large seizure of synthetic drugs allegedly prepared locally and despite the vigilance of the ADSU, there is still a proliferation of synthetic drug which is the cause of the greatest headache for the Drug Enforcement Agencies. Luckily for the country, clandestine laboratories are not capable of preparing synthetic drugs but it was simply a clandestine gang attempting to mix up all sorts of chemicals and vegetable leaves and pesticide or insecticide and luring youngsters in search of sensation which in some cases had proved to be fatal.

4.2.13 MEDIA SUPPORT?

The Commission would have welcomed the journalists to depose before it or to provide it with information without having to divulge their sources in sealed envelopes to enable it to investigate but the invitation made during the sessions had remained unanswered. The Commission did not deem it fit to summon some of them who had been publishing articles relevant to our terms of reference as the Commission believes in voluntary contribution and not by forced forceps retrieval of information despite the powers which the Commission has under the Act.

4.2.14 ALARMING SITUATION

Be that as it may, certain NGOs have deposed before the Commission expressing their concern with respect to the alarming situation of school children as from the age of 12, indulging in drugs but without providing supporting evidence to buttress their contention. Most of the NGOs have in no uncertain terms mentioned having approached the authority harping on the necessity forthwith to take remedial action to save the young generation from taking that suicidal path and they also echoed their concern in the media, written and oral.

4.2.15 STORM IN TEA CUP

All these led to a heated argument between certain NGOs and the then Minister of Health and Quality of Life, as the latter who had deposed before us, maintained that from the reports that he had received, the situation was not that alarming as certain NGOs would want the nation to believe in their interviews to the press. The then Minister of Health and Quality of Life opined that from the report obtained from the various health institutions the number of persons who had been treated in hospital for overdose was low.

The Commission suspects that it was the new approach and unilateral decision taken by the then Minister of Health and Quality of Life which sparked the row more especially with the limitation and/or suppression of the methadone programme replaced by Naloxone and/ or Suboxone treatment and the dismantling of the NATReSA as well as casting suspicion on certain NGOs engaged in the needle exchange programme for HIV patients. These NGOs have blamed the then Minister to be the cause of the rise of HIV victims.

4.2.16 THE REAL BATTLE

The Commission does not believe in this futile dispute when it is clear that there is a real drug problem in the country albeit in the absence of hard fact evidence collected by all proponents in the fight against the drug scourge. When heroin and other drugs are being constantly seized at the various points of entry and having regard to the quantity seized, it is obvious that there is a demand for those commodities in the country which should have raised the alarm bell to all citizens who have at heart the image of the country as a safe destination as drugs breed other criminal activities which is also a concern for the society at large. Moreover the ADSU had made numerous arrests of people selling drugs or found in possession of drugs around the island.

The Commission urges every proponent in this fight not to try to steal the show when the time is for reconciliation, pulling and joining of forces and striking a strategy to wade in the moves of traffickers in order to place them on the wane rather than to hail and acclaim one's deed or rancour.

4.2.17 THE AVAILABLE FIGURE-TIP OF ICEBERG?

As to the scale and extent of illicit drug trade, the Commission has perused the statistics kept by ADSU regarding the number of successful arrests or the number of seizures made at the Airport, Port or Parcel Posts Office. But how much illicit drugs had been able to find their way in the country, escaping the vigilance of the ADSU and the Customs is difficult to know unless up to date statistics are kept of the amount of drug seized or found on consumers and on drug dealers. The amount seized, which was unheard of before, is such that it makes one raise one's eyebrow as to the efficiency of detection at the entry points of the country.

Regarding the consumers, in the absence of credible statistics, it is not easy for the Commission to know the number of persons caught in the illicit or licit drug web. Almost all the NGOs that had deposed before the Commission do not keep statistics and worst for some, there seems to be no record at all. Some promised, after their

deposition, to send whatever information they might have compiled from their records but many never did so despite reminders having been sent.

Be that as it may, the Commission can rely only on the statistics given by the police force to establish the scale and extent of the illicit drug trade. The statistics provided by the ADSU speak of the number of persons arrested for possession of illicit drug but not necessarily of the number of consumers. The Commission notes that in the recent past the seizure of heroin was no more in terms of a few grams or kilos but over 100 kilos which is an indication that there must be a great demand unless the drug is meant for export and Mauritius used as a transit for which the Commission has no evidence.

The Commission learnt from the NGOs that there are some 20,000 known Intravenous drug abusers but has no figure when it comes to those who inhaled heroin. The approximate number of consumers of drugs of all types was said to be some 80,000 odd but with no evidence or proper statistics to buttress same. It is a fallacy to believe that the drug problem concerns only those living in the '*Cités*' in the outskirts of the towns as the Commission has testimony of the ADSU and the NGOs that the problem affects people from all walks of life and all over the island albeit that those well off undergo treatment overseas and their numbers are not accounted for.

The Commission tried to get information as to whether the various night clubs are not haven for drug dealers and consumers. The Commission also enquired into the activities of certain bungalows or guests house following denunciation by a witness but unfortunately, the Commission did not receive any supportive cogent and credible evidence. The Tourism Authority responsible for the issue of permits was questioned and the Commission found that seldom was there surprise visits carried out.

4.2.18 FORTUNE DOWN THE DRAIN

The Commission learnt that a drug abuser of heroin takes at least 4 doses per day and each dose is equivalent to 10 to 16 milligrams costing Rs200 per dose, if not more now because of the successful seizures. Consequently, a drug abuser will have to spend at least Rs800 per day for 40 to 64 milligrams of heroin and taking into account the number of heroin consumers 20,000 [a conservative figure], there should be available in the market at least 24kgs of adulterated heroin per month to satisfy the demand, as evidenced by the huge amount seized at the entry points. The purity of heroin seized by ADSU at the point of entries is around 60-70% and for the purpose of establishing whether the suspect is a trafficker, ADSU is not concerned with its percentage of purity but will concentrate on its street value and it evaluates 1kg of heroin at Rs15m. In monetary terms, the sale of illicit heroin consumed by drug abusers will fetch the astronomical figure of Rs360,000,000 [24 x 15,000,000] per month, a very lucrative business. The real culprits never come out to light and those caught are in the lower rung of the hierarchy, who will never denounce the real traffickers as, either they do not know them as the deals are through intermediaries or if they do know them, there is their code-'keep quiet or your family will suffer' or in their jargon 'silver or lead' meaning 'money or death'.

4.2.19 CAUGHT IN THE NET

The ADSU submitted a list of persons arrested during the years 2000 to 2018 for the various types of drugs which includes big dealers, dealers and possessors of drugs. Briefly, in respect of the three common drugs namely cannabis, heroin and subutex, the statistics reveal the followings:-

YEA R	CANNABIS	HASHISH	HEROIN	METHADONE	SUBUTEX
2000	744	4	561	0	3
2001	615	5	144	0	5
2002	598	9	910	0	16
2003	506	5	1114	0	25
2004	417	12	976	0	103
2005	488	10	979	0	243
2006	595	13	429	0	701
2007	750	35	676	0	723
2008	763	13	332	2	800
2009	811	9	215	3	850
2010	774	6	236	8	672
2011	881	4	344	38	422
2012	893	21	297	12	125
2013	907	17	218	9	27
2014	1103	5	339	40	33
2015	787 [79kgs408.98gms]	7 [5kgs405.09gms]	561 [13kgs068.77gms]	29	17 [391 tablets]
2016	643 [82kgs573.349 gms]	14 [1kg079.67gms]	668 [17kgs134.08gms]	38	18 [7 tablets]
2017	639	15	739	45	21
2018 [up to March]	174 [4kgs346.32gms]	19 [39.27gms]	116 [7kgs15.46gms]	8	2

Synthetic drugs in the form of Cannabinoid made its appearance in 2013 and the number of arrest has since been on the rise. The amounts seized are shown in the table below and this is after the amendment of the Schedule to the Dangerous Drugs Act to include all known types of synthetic drugs.

YEAR SEIZED	CANNABINOID	AMOUNT
2013	6	-
2014	19	-
2015	101	897.80gms
2016	248	1kg5.01gms

2017	516	5kg820.26gms
2018 [January to May 2018]	573	3kg81.5gms

From the year 2013 up to May 2018, ADSU arrested 59 youngsters under the age of 18, some 959 persons between the age of 18 to 30 and 351 persons between the age of 31 to 40. Those above 40, there were 157 persons arrested. Out of the 1526 persons arrested for synthetic cannabinoids during that period, there were 1437 males, 30 females, 58 male juveniles and 1 female juvenile out of which 431 for the offence of dealing and 1031 for the offence of possession.

The Commission notes that there were 5 arrests for cocaine in 2006 and one in 2014. Recently, the Commission has been apprised by ADSU that there had been another arrest. For opium, there had been no arrest for a very long time and the last person arrested was in 2017 which is a clear indication that the drug abusers are mainly for cannabis, heroin and synthetic drugs. The Commission also notes that there had been numerous arrests for unlawful possession of psychotropic substances:-

YEAR	NUMBER OF ARRESTS	AMOUNT OF DRUGS
2009	12	-
2010	41	-
2011	38	-
2012	52	-
2013	44	-
2014	11	-
2015	84	1084 Tablets
2016	78	6215 Tablets
2017	96	16,926 Tablets
2018 [up to March]	30	1187 Tablets

From the Commissioner of Prisons, the number of inmates for drug offences as at 27th February 2018 is as follows: out of 2352 prisoners there were 269 males.

4.2.20 DRUG CONSUMERS

To know how many known drug consumers there are in the absence of statistics from other sources, the Commission has had to rely solely on the figures from the Ministry of Health and Quality of Life regarding the number of persons treated in hospitals from 1st January 2015 to 31st March 2018.

For the abusers of medicinal products like subutex, methadone, valium and others, there were 30 in 2015; 27 in 2016; 6 in 2017 and 3 up to March 2018. In respect of opiates which include cannabis (sic), brown sugar, heroin, cocaine, 208 in 2015; 267 in 2016; 281 in 2017 and 23 up to March 2018. For synthetic drugs, 133 in 2015; 418 in 2016; 455 in 2017 and 46 up to March 2018.

What is alarming is the number admitted for abuse of substances which were unspecified. In 2015, there were 170; 186 in 2016; 314 in 2017 and 20 up to March

2018. This reveals the difficulty of the medical practitioner to provide the treatment in the absence of information regarding the type of molecule absorbed. It is well known from the analysis carried out by the FSL of the inordinate number of inorganic molecules which could be used in the production of synthetic drugs albeit when the common precursor must be made of molecules of benzene/toluene or their derivatives with the use of certain common acid as well as acetone.

Similarly for students caught in colleges, from the Ministry of Education the figures are very low. The Commission also requested the private clinics to provide statistics but that was not helpful. Out of the 25 known clinics to whom information was requested, only 13 replied out of which 4 mentioned there were cases but not fatal. For one clinic during the year 2011 to 2014, there were 8 patients, for the second clinic, there were 12 cases from the year 2012 to 2013, for the third one, there were 3 cases during the year 2007 to 2008 and for the fourth one, only one patient without any mention as to the period.

The private practitioners whose association deposed before the Commission did not keep statistics. A request was made to the Association to collect information from their members regarding the treatment handed out by them to drug abusers and to forward any data to the Commission. So far no feedback has been received.

4.2.21 UNDENIABLE CONCLUSION

From the figures submitted, the Commission can only state in no uncertain terms that undoubtedly there exists a serious drug problem not only in respect of illicit drugs but also with regard to psychotropic substances which are being prescribed by medical practitioners without proper monitoring. The Commission will have more to say in a later chapter, amongst other matters of the need for exemplary sanction to be taken against the errant practitioners who are in connivance with some pharmacies to flout the law and their code of ethics.

In Rodrigues, the Commission has been apprised of the alarming increase in cannabis cultivation, trade and consumption along with the high consumption of alcohol. The cultivation of cannabis is not only for the local consumption but also for export to Mauritius. Youngsters aged 16 are affected by the consumption of cannabis and unfortunately 'hard drug' and synthetic drugs are making their appearance apparently coming from the main land. The statistics do not reveal a lot of arrests and the Commission opines whether there is no cover up by squalid officers.

Information provided by the Divisional Commander reveals that in 2014 and 2015, there were, in respect of cultivating cannabis offences, 94 and 83 cases respectively. For cases of possession of cannabis, in 2014 and 2015, there were 32 and 40 arrests respectively. Regarding possession of synthetic drugs, there was no arrest for the year 2014, 5 for 2015 and none for 2016.

The statistics kept by the ADSU concern those arrested for possession and for dealing but there is no compilation of the number of drug consumers arrested. The Commission does not know if all cases of possession of illicit drugs had been reported by the colleges as per the protocol in place as statistics from the Ministry of Education reveal a very low figure. Even the figures received from the Ministry of Health and Quality of Life and from the private clinics do not show that the figure is high. It has been advanced that there are at least 20,000 IVD [intravenous drug] consumers but

not all of them are following treatment provided by the Ministry of Health and Quality of Life because of the procedure adopted in channelling them to the treatment centres and the site where the methadone is dispensed namely in the yard of police stations.

4.2.22 INAPPROPRIATE UNACCEPTABLE BACK YARD TREATMENT

There is no need to go into the merits of the choice made by the Ministry of Health and Quality of Life regarding the place where the methadone is dispensed, but suffice it to say that it is not conducive because of the public stigma and worst, there is no proper follow up of those patients. The fact of having the beneficiaries of the methadone treatment in the yard of a police station is a clear indication that the beneficiaries are perceived, if not treated, as potential criminals when the authority ought to have considered them as patients, people suffering from some form of psychotic or psychosomatic ailment. To succeed in bringing back those victims in the society, there should be a fundamental change in the mindset of those in authority who must be humble enough to leave it to the specialist in that field to dictate the way forward in the light of the technological progress and the protocols of the UNODC and the WHO. The Commission has devoted a chapter on treatment and rehabilitation.

4.2.23 ADOPTING STATISTICS CULTURE

Since one has to work on hard facts which is evidence based to gauge at any time the trend, proliferation of drugs and their types, and which is sorely missing as not all stakeholders keep proper data and statistics or make an analysis of the data collected, the Commission strongly recommends that all stakeholders in the fight against the drug scourge must adopt a culture of compiling statistics in a scientific methodological approach prepared by statisticians and epidemiologists. These data must be sent regularly on a monthly basis to a centralised organism, the Apex Body, the National Drug Policy Commission [NDPC] as detailed under Chapter 17A, whose duty would not only focus on the monitoring of the drug situation in the country but also to come up with the strategic plan for the country regarding the drug problem.

The various stakeholders must also have a culture of data collection for the proper analysis of the drug problem in Mauritius and it is for the authority concerned to come out with a yearly report, the more so that the country is bound to send annual reports to the UNODC to enable the latter to publish its annual world report on the drug situation. With the multidimensional and multi-sectoral approach being proposed by the Commission, it is hoped that the UNODC questionnaire be filled in with all available statistics both from the supply and demand side instead of its being filled in by the police and the Ministry of Health and Quality of Life only. The Commission considers that it would be for the Apex Body to submit the necessary report.

4.2.24 THE APEX BODY - THE NATIONAL DRUG POLICY COMMISSION [NDPC]

The Commission will be recommending that the NDPC be set up and must be under the chairmanship of the Prime Minister to prepare the 5 year plan in respect of the Government Policy on Drugs and must include in its midst the relevant ministries responsible for Health, Education, Youth and Sport, Family, the Attorney General's Office, the drug enforcement agencies and NGOs in the field of drug prevention and rehabilitation The NDPC must also come up with strategic plans, and directives in

order to adapt and evolve with the revolutionary and innovative changes and out of the box methods which the traffickers are and will be using with the huge financial means they have. With a clear Government policy to track down mercilessly drug traffickers and to fight relentlessly the drug problem, the Commission is of the view that financial requirement necessary for the strategies to be proposed will not be lacking.

4.2.25 SOCIAL AND ECONOMIC IMPACT

The Commission heard from some parents of their poignant experience, the disastrous effect, suffering and miseries caused to them by their children and next of kin who had fallen into the drug vortex. Some have been completely ransacked by their rapacious siblings to the point of being ruined and being totally helpless. They had tried to look for help but in view of the absence of will of the drug abusers, they had been unable to find a positive solution.

The Commission also heard of the difficulties encountered by some of the drug abusers before succeeding to break the chain of drug slavery and this thanks to the goodwill and dedication of certain social workers engaged in certain NGOs who really have at heart the sufferings of those trapped in the drug dungeon.

The amount spent by the State in its fight against the drug scourge is enormous when the money could have been put to better use to alleviate the needy. The Police Department, the Prisons, the FSL, the Judiciary, the Office of the DPP, The Ministry of Health and Quality of Life, The Ministry of Social Security, just to name those in the frontline, are among those who have to chip in from their budget for the fight against drug by devoting their limited resources.

The Commission was informed that it costs the Prison Authority Rs800 per day for the upkeep and maintenance of a prisoner which includes the salaries of the officers, administrative costs, maintenance of building and equipment. From the statistics received from the Commissioner of Prisons as at February 2018, there are about 2353 prisoners in all namely 1323 have been convicted and 1029 are on remand. Out of the 1323, there are 269 male offenders convicted for drug offences (21%). Out of the 55 female prisoners, the document did not specify how many had been convicted for drug offences. Only for that male prisoners, the State has to provide a budget of Rs215,200 per month and about Rs77.5m a year.

Moreover, those who had been jailed lost their earning capacity and with the difficulty of those who had been released from prison to find job, these impacted to a large extent the economy of the country. On top of that, the Social Security also provides for the spouse and children in need with a monthly allowance. This is a huge burden placed on the taxpayer when there is scarcity of fund which could have been put to better use in the fight against drugs. Those drug abusers cannot bring much to the economy built up of the country and thus the need to strive to have a healthy population to be able to contribute to the economy of the country. It must not be forgotten the financial input of all the NGOs which is also enormous let alone the priceless voluntary man power and dedication.

CHAPTER 5: SOURCES/POINTS OF ORIGIN/ROUTES OF ILLICIT DRUGS [TORII]

5.1 TRADITIONAL ROUTES

According to the world drug report, the two regions in the world known for drugs are commonly referred to as the Golden Triangle and the Golden Crescent. The Golden Crescent comprises of Iran, Afghanistan and Pakistan while the Golden Triangle refers to three countries of East Asia namely Myanmar, Laos and Thailand. From the analysis of ADSU, the heroin which comes to Mauritius is from the Golden Crescent. The drug follows certain routes through some Eastern African countries, India, Malaysia and of late Dubai. Madagascar is the transit route of heroin mainly destined to Mauritius. As regards drug found on passengers arrested at the Airport, the majority came from South Africa, Eastern Africa and Madagascar. Some made a detour and arrived from Dubai. At the Port, the passengers arrested came mainly from Madagascar and comprised crew from cargo ships coming from Eastern Africa. The ADSU has provided the Commission with a list of the nationality of those passengers arrested with drugs most of whom are from the African continent, Madagascar as well as from Europe.

5.2 ROUTE TAKEN BY PASSENGERS

It is only after a perusal of the passport of the passengers cum couriers incriminated, that the Drug Enforcement Agencies would be able to know the various countries visited by the suspects prior to landing in Mauritius. For efficient and effective profiling of passengers and to be able to put in place a proper surveillance, there is need for the Drug Enforcement Agencies to know those destinations well before the arrival of the passengers. This is crucial for ADSU must know well in advance and enquire from a copy of the passengers list from the Advanced Passenger Information System [APIS] whether the countries visited by those passengers form part of the Golden Triangle or the Golden crescent especially to pinpoint those countries known to be in the drug triangle.

The Authority concerned must consider as a matter of top priority the installation of such a system at the points of entry to the country. In that respect, Rodrigues should not be missed out as it is now open to international flight from Reunion Island.

5.3 NETWORK

There have been an equal number of cases of importation of drugs by air and by sea. It is to be noted that the network of drug traffickers depends on the country concerned. However, not too long ago, in one case the amount of drug seized in the Port was astounding compared to that seized from passengers in their personal luggage.

ADSU has identified that for heroin and cannabis, it is the same network which brings those drugs from South Africa, Tanzania and Kenya. Cannabis also comes from countries in the South East Africa, Madagascar and India. There are also countries of Eastern Africa and Madagascar from which heroin is imported, and in the north, there is Dubai and on the East, India and Malaysia.

The mere fact that cannabis has to be imported shows that the crackdown operation by ADSU has brought certain results. From the various sim cards secured from prisoners, the investigation team of the Commission was also able to identify from the international exchanges of another drug network involving Madagascar, the Comoros and Reunion Island.

For subutex, it is another network mainly from France with a peak number of arrests in respect of 805 cases in 2009. The ADSU was able to suppress that network and the number of seizures had dropped down significantly.

Synthetic drugs were seized in small quantities in parcels through the parcel post office or by couriers. However, as from 2017, there has been a sharp rise in the number of seizure and arrest. Being given that they are legally on sale in some countries, it has not been possible to establish any specific network for synthetic drugs save that they are essentially made in China.

Much has been said about local production of synthetic drugs. The Commission heard some experts regarding the possibility of college students manufacturing synthetic drugs and all were adamant that it could not be done in the absence of certain essential equipment which fortunately are not to be found in the college laboratory.

Similarly, there is no evidence to suggest that members of the public, whether in clandestine laboratories, had been able to produce synthetic drugs, the process being a complicated one necessitating sophisticated apparatuses. At best, those having some knowledge of inorganic chemistry have been trying to prepare a mixture with some chemicals which are not prohibited and which are on sale in chemist shops or hardware shops and thereafter to mix it with dry leaves and finally sprayed with rat poison and/or insecticide and/or pesticide as well as different food flavours.

Those mixtures are given exotic and premonitory names. Not knowing in fact what had been used in the mixture, this makes emergency intervention by the health dispensers very difficult save noting helplessly the clinical aspect of the patients which indicates that there had been an intake of a noxious substance and which had been labelled as synthetic drugs. Palliative measures had in many instances proved to be useless because of the absence of knowledge of the substances taken.

The latest information received from the ADSU, after the recent arrest of a clandestine manufacturer of such mixtures, is that there appears to be a network with the precursors coming by parcel post retrieved with the complicity of some employees of the courier services.

CHAPTER 6:THE CHANNELS OF ENTRY AND DISTRIBUTION OF DRUGS IN MAURITIUS [TOR III]

6.1 FLAWED SURVEILLANCE

Mauritius is a small island surrounded by huge span of ocean and all drugs, licit or illicit are imported into the country save for the locally grown cannabis. It is a mystery to no one that the channels of entry of the drugs are mainly by sea, air and through the post office. This has been repeated in the various reports referred to above.

The Commission therefore looked into the methodology of tracking and profiling and which is certainly a game of chance in the absence of advanced intelligence, proper gathering of information and the setting up of a master data base.

This begs the question how drugs can still get through the various entry points when the Drug Enforcement Agencies know the tricks used and are allegedly vigilant. The only conclusion reached by the Commission is that either the Drug Enforcement Agencies are incompetent, underequipped or they are corrupt. The Commission, from the evidence before it, believes that there is a combination of all three.

The Commission did question some ADSU officers not necessarily those based at the entry points and the fact that the Commission has not been able to summons a Customs officer is far from the truth that the Customs Officers are beyond suspicion for previously some of them had been arrested, prosecuted and sentenced for drug offences to long terms of imprisonment. The huge seizures recently effected at the port following a tip off, is food for thought for the Drug Enforcement Agencies as to the amount of drugs which had successful reached their consignees undetected. Huge amount of drugs comes through the port in containers, but with the policy of the Customs to scan only a very small percentage of the containers is questionable. No doubt, it is humanly impossible to search a ship unless there has been tip-off and thus smaller amount hidden on board the ship would surreptitiously be brought on shore by sailors or dropped in the port to be picked up by the small boats plying in the port area.

6.2 AIRPORT, PORT, PARCEL POST, PATS

The Drug Enforcement Agencies are fully aware of the various tricks used to introduce drugs into the country. At the airport, drugs are carried by passengers in their luggage, hand luggage or on their person or concealed in their body cavity. All sorts of tricks are used like hiding drugs in baby nappies, in false bottom suitcase, in walking stick, in luggage handles, in microwaves, in electronic apparatus, in all sorts of goods even baby's soft toys and lately lipsticks and other cosmetics, baby powder, candles, in candies and foodstuff.

At the Airport, drugs also come in parcel by couriers through the Plaisance Air Transport Services [PATS]. At times, drugs are carried by persons working at the airport and also by staff of airlines and pilots.

At the Port, drugs are carried in cargo, by travellers, by small embarkation which picked up drugs dropped at sea or by boats through passes around the island. The Commission has drawn the attention of the authorities of the fact that with the

inflatable dinghies and the ultra-rapid speed boats, the traffickers need not wait for the high tides to go on the high seas and do not necessarily have to leave or enter the lagoon through the passes.

The Commission heard of the infiltration at the airport, port or parcel post office by drug traffickers using local staff. Foreign airline staffs had been arrested for carrying drugs.

Commercial ships, mainly those touring the islands in the Indian Ocean, Madagascar, Reunion Island, Rodrigues and at times, the crew ships which berth at Port-Louis in the harbour are potential targets as well. But the main concern is passengers as well as staff who work on these ships which ferry from Mauritius to the islands of the Indian Ocean. Similarly at the port, passengers carried drugs in their luggage or on their person and ships' crew as well as ground crew are potential smugglers of drugs. With the new sea terminal, thousands of cargos and containers will arrive in Mauritius.

6.3 REVIEW OF THE METHODOLOGY BY DRUG ENFORCEMENT AGENCIES.

6.3.1 MASTER ON BOARD

It has always been the stand of the Customs that at the point of entries, they are the master on board and it is only when drug is detected that the ADSU is called in. The Commission heard from the ADSU that by the time they got involved, a long time had elapsed because of the procedure and consequently the effect of surprise lost as it was clear that drug traffickers did not send only one mule at a time. The Commission has been told by the responsible officer of the ADSU that there were exchanges of information between ADSU and the Customs and for the ADSU, the profiling is essentially on the number of visits made by the passenger to the countries known to be drug haven.

6.3.2 DELIBERATE DIVERSION

The Commission heard of information received by the police of the arrival of a mule with detailed descriptions of his/her clothing and the ADSU will pay special attention to that person forgetting that the others who accompany the mule and whose duty is to keep watch of the person and to inform the consignee of the drug in the country if all is clear. At times, those who accompanied the mule are themselves carrier of a larger amount of drug and the traffickers will not hesitate to sacrifice a mule so long as a bigger quantity reaches its destination. The Commission heard that the information might have been given by a competitor or someone involved in the traffic to the Drug Enforcement Agencies so that attention was focused on the person described as being in possession of illicit drugs.

6.3.3 TRAITOR

Recently police officers were used to pick up the drugs which a courier will leave in the public toilet. The Commission also received information of a custom officer whose duty was to pick up a specific handbag from the carousel but that Customs officer denied any knowledge and unfortunately no action could be taken against him as the information given by the courier was insufficient to lead affirmatively to that person. The Commission hopes that the Drug Enforcement Agencies will keep an eye

on that Customs officer. The Commission is also aware of the use of cleaners by the traffickers to pick up the parcel from the aircraft or to dump it in the rubbish bin which was never checked by any authority until the matter had been brushed before the Commission.

6.3.4 SECURITY LAXITY

The Commission visited the airport and found strict security for those who want to have access to the various parts of the terminal which access can be granted only by the Civil Aviation Authority after due enquiry but unfortunately for those leaving the airport premises especially the cleaners and the police officers, there is no control at all. The Commission pointed out this gap which the relevant authority is looking into.

6.3.5 SCANNING OF LUGGAGE

The Commission noted that there was a sniffer dog at the spot where the luggage are put on a conveyer belt on their way to the scanner to be screened. The Commission was informed that a sniffer dog cannot work for more than 20 minutes at a stretch. Despite that there was an insufficient number of sniffer dogs on the spot for the numerous arrivals daily. The call to order by the trainer should be avoided as the sniffer dog had no time to scent the luggage when it was ordered to move on. The sniffer dogs ought not to be restrained or guided by the trainers but need to be let loose and to move according to its own pace around the luggage.

The Commission noted that it does not take that long to screen a luggage. The fact that many passengers arrive at the same time is not a reason to pay less attention to the contents of the luggage. The Commission was informed of the policy to cause less hassle to the tourists and thus keeping it as short as possible the time for the collection of the luggage. The Commission does not believe that the pleasure of the tourist must have priority over the security of the country. If the Customs believe that the exercise will take a longer time, it is for them to see to it that all conveyor belts at the airport are fitted with a scanner and that more sniffer dogs be used.

The Commission therefore is of the view that all luggage should be placed on the ground to be at the disposal of the sniffer dogs and they must not be pressed by the trainer to move on and ample time given to the dogs to do their job. The Commission further considers that conveyor belts not fitted with a scanner should be fitted with one forthwith and the necessary personnel available to screen the luggage.

6.3.6 TAGGING SUSPICIOUS LUGGAGE

Once a luggage is found to be suspicious having been identified by the sniffer dog, it should be tagged and the Commission believes that it is at this point in time that the duty of the Customs should end and taken over by the ADSU. Nothing prevents the ADSU to remove the suspected luggage to a room, out of the view of the bag handlers, to probe into the luggage using simple endoscope and if need be to open it with all necessary precaution whilst video recording all those sequences, and to test whether the suspected powder is in fact drug, and the type of drug.

6.3.7 ABSENCE OF BASIC EQUIPMEMT

The Commission hears with dismay that the ADSU does not have such a simple test kit unlike the Customs. The Commission will consider proper procedure and legislation to authorise the ADSU to search the bag in the absence of the owner and to introduce a tracking device like a GPS in the luggage of the suspect for it to follow where the owner of the bag will take it, hopefully to lay hand on an acolyte in the higher rung of the drug organigram..

6.3.8 TRACKING SUSPECT

The suspected luggage will be returned to the conveyor belt for its owner to pick up. In so doing, the ADSU will be able to go up to the person collecting the luggage. Nobody, even the handlers of luggage will have any clue if drug had been found and this should not take that long. Nothing then prevents the ADSU to stop the suspected person for a routine check to get the identity of the person and where that person intends to reside during the stay and the duration which can be doubled check from the immigration section.

This will hopefully do away with the controlled delivery procedure with the cooperation of the suspect which had been shown to be ineffective because of the inordinate delay taken with all initial procedures before start of the controlled delivery. More often than not, the success had been very limited.

The Commission considers that there is a necessity of drawing up of a protocol of tracking and the tracking team must be provided with sufficient personnel, electronic devices and vehicle to fulfil successfully its mission.

6.3.9 ABSENCE OF SNIFFER DOGS AT ARRIVAL HALL

The Commission also finds it odd from the testimony of the responsible officers and the law enforcement officers that in the passengers' arrival hall, there were no sniffer dogs. However on the day the Commission visited the airport, there was a sniffer dog and it was leisurely walking with its trainer and the Commission wonders if it was there for the purpose of sniffing the hand luggage or for other reasons.

Passengers do carry drugs in their personal hand luggage and also concealed in their body cavities. The presence of the sniffer dogs will certainly be a deterrent as the person carrying drug will be picked out by the sniffer dog.

It will be more difficult to identify passengers who had concealed drugs in their body cavities if they had not been identified by the sniffier dogs. In such a situation, the intelligence and profiling would be of the utmost importance and the questioning in a private room. A protocol should be drawn up to provide clear guidance as to what should be done with such passengers and whether they should be allowed to leave with close monitoring of their movement up to their meeting with the consignee.

6.3.10 X-RAY OF BODY CAVITIES

For passengers suspected to have swallowed bullets containing drugs or hidden in body cavity, the Commission will recommend amending the Dangerous Drug Act to compel the suspects to be x-rayed and if no plausible reason is given to refuse undergoing that exercise, failure to be x-rayed where there are reasonable cause to

suspect drugs have been swallowed must be made an offence, the more so that x-ray examinations are less intrusive than a strip search and respect human dignity and human rights.

6.4 UNCLAIMED LUGGAGE AND TRANSIT HALL

The Commission has been told of the possibility of drug being hidden in unclaimed or unaccompanied luggage and which is retrieved later at the Lost and Found section under the custody of the airlines. Similarly, staff may have access to passengers on transit where prohibited articles including drugs may change hands. The Law Enforcement Agencies must be on the lookout on those grey areas.

6.5 PRIVATE LOUNGE

The Commission visited the private lounge not far from the airport terminal. The Commission understands the need of such a lounge for owner of private jets and their passengers namely businessmen and the VVIP. Irrespective of who those persons are, they must undergo the normal routine check like any passenger. It is the duty of the company running the private lounge to notify their clients that they would be scrupulously checked on arrival like any passenger passing through a terminal. The Commission urges that the same security procedure and scanning should be carried out irrespective of the importance of the passengers and the private lounge should not be a gateway for the smuggling of goods and drugs.

6.6 VIP LOUNGE

Much has been said about the luggage of persons using the VIP lounge or State lounge not being searched. The Commission understands that all luggage which arrive at the terminal are scrupulously scanned, sniffed by dogs and again systematically scanned by the customs at the arrival hall before delivery whereas the luggage of any passenger using the normal channel are not systematically scanned except when the customs has doubt.

6.7 PLAISANCE AIR TRANSPORT SERVICES [PATS]

Parcels entrusted to the International Courier Companies, on arrival at the airport, are conveyed to the PATS office not far from the terminal under the guard of customs officers and personnel of the international courier. ADSU as well as sniffer dogs are also present during the scanning of the parcels. During its visit, the Commission noted that it is a less busy place compared to the post office and the parcels are systematically scanned. The storing area is padlocked and under CCTV surveillance.

The parcels containing suspected substances are tagged and the consignee contacted to collect it at the office of the International Courier in town. Through this method, only a few persons are aware of the suspected parcel but unfortunately at times the consignees never call to collect the parcel and there is great suspicion that there has been a tip-off. Worst still, the Commission has been informed of the names of consignees who were inexistent and recently, the Commission heard of personnel of the International Courier who were themselves involved in collecting such types of parcels and some had been caught. A protocol must be drawn up and followed by all the stakeholders at PATS to be able to track down the consignees.

The Commission urges that a proper data base be created by the relevant responsible authorities to input all necessary information to enable proper profiling and analysis of the intelligence gathered. It is too well known that heroin comes from the African continent and there is a network, whereas for the synthetic drugs, they come mainly from Asia more particularly China, and a network is now being identified by the ADSU.

The Commission recommends that a proper memorandum of understanding be drawn up between the internet service providers and the ADSU in order that all internet users from Mauritius who had been flagged to have visited regularly those sites known to be selling synthetic drugs be communicated to the ADSU for the latter to carry out a discreet investigation of the person concerned. Moreover, use of the Darknet and other underground network should be monitored closely by ICTA and instruction given to the service providers to report immediately computers which had accessed those sites.

6.8 COLD ROOM

The Commission heard of the existence of the cold room not far from the terminal where goods which had to comply with the chain of cold were kept there until delivery. It was astounding to hear that, at the time of delivery, there was no check at all and which was a clear loophole. That matter was raised at the Commission, and later during a visit to the cold room, the Commission was informed that since then all goods were verified and checked by Customs and ADSU before delivery. Close vigilance must be exercised knowing the ingenuity of drug traffickers to find alternative way of beating surveillance and any suspicious activity must be promptly relayed to the Law Enforcement Agencies.

6.9 SEAPLANE

The Commission enquired from the Civil Aviation Department [CAD] of the existence of seaplane and the latter replied that there were 5 companies and 4 individuals to whom licence for seaplanes had been granted. One individual owns 3 crafts, one of which is grounded since 2013. Another company owns 2 crafts and the 4 others only one. The permit issued to the promoters is for sightseeing and leisure activities from an airfield or from a designated coast. All operations are for day light and visual flights limited to Mauritius only. Those seaplanes apparently have an autonomy of 3-4 hours depending on the weather condition with a fuel tank capacity of 50 gallons.

There is in place a procedure for the NCG to be notified of the day operations of the seaplanes. However the CAD has no mechanism to control the daily activities of those seaplanes leaving it to the NCG to do some routine checks. The CAD simply carries out an annual audit of the logbook of the seaplane and has not found any case of unauthorised flight. The NCG oversees their activities by checking the permit to fly and the validation of the pilot permit.

The Commission views with much concern the possibility of the seaplanes being used by traffickers and has to flag the lack of real monitoring of the seaplanes which can easily pick up a parcel on the high seas without having the necessity to float on the water and thereafter to drop it inland discreetly at a prearranged spot.

6.10 PARCEL POST OFFICE

The Commission visited the post office parcel post to see how letters and small parcels were sorted out. It was a real mess and one did not expect the post office to work in the way that the Commission saw in this modern electronic age. The Commission noticed the cramped condition where the screening by the sniffer dogs was carried out and the way letters and parcels were stacked in secured rooms under CCTV surveillance. The Commission noted that only suspected parcels were scanned. The Commission does not understand the logic of letters being despatched directly to the nearest post office of the consignees for collection without having been properly scanned and sniffed by the dogs. The Commission heard that synthetic drugs purchased over the internet were sent in simple letters in small quantity so as not to arouse suspicion when it was known to the authority that it is very difficult for the sniffer dogs to identify synthetic drugs.

The Commission has been told that the dogs belonging to the police were not trained to identify the ever increasing variety of synthetic drugs unlike the Customs which informed the Commission that they do have one dog trained to identify synthetic drugs. The absence of sufficient number of sniffer dogs properly trained to identify synthetic drugs is a real handicapped for the Drug Enforcement Agents. A proper profiling ought to have been made and fed into the data base, if any, especially when it is common knowledge that synthetic drugs came mainly from China. This does not mean that the letters and parcels from other countries in Asia should not be scrutinised.

In Rodrigues, the Commission was informed that letters or parcels from Mauritius were not checked by the personnel and they were directly distributed to the consignees after the Customs was satisfied that there were no duties to be paid for foreign parcels. The danger of relying on the personnel in Mauritius to do the job is very risky because of interference by traffickers in any quarters. Similarly letters and parcels from Rodrigues were not checked in Rodrigues as there was a belief that there were no heroin in Rodrigues but alas in Rodrigues there is the cultivation of cannabis and the Commission heard of export of cannabis to Mauritius especially by ships in barrels of honey. The postal authority must be vigilant as there are flights from Reunion Island with the possibility of drugs coming through that route.

6.11 PORT

The Commission heard the Port Authority, the Cargo Handling Corporation, the Port Police and the responsible officer of the NCG. The Port Area covers some 300 hectares of land and the Port Area in the marine side covers an area from Le Boulet up to Albion Light House, which is immense and with movements of small crafts all along the coastline and the presence of fishermen. Within the Port Area, there were quite a number of companies working in the Freeport Zone. The Port Area had been divided into operational and non-operational areas in order to have better control on movements within the Port Area.

6.11.1 PORT AUTHORITY

The Port Authority is the controller and regulator and works with the Customs, the Mauritius Police Force, the National Coast Guard and the Harbour Security. To be able to have access to the operational area of the Port which is the ship to shore

interface, an access pass is issued by the Mauritius Port Authority to those who need to have business within the operational area of the Port. Daily access passes are issued for those coming ad hoc for a business and for all employees working on a permanent basis, an annual passes on request from their employer were issued. Gates giving access to the operational are manned by the Customs and police and there were a number of them. The operational area is separated from the non-operational area by a simple metallic fencing.

6.11.2 CARGO HANDLING CORPORATION [CHC]

Despite the presence of so many authorities in the Port Area attending to the security, the Commission never thought that the port was the most porous area where drugs could enter the island so easily. The Cargo Handling Corporation [CHC] has been given a concession by the Mauritius Port Authority to operate three terminals namely the Fishing ports, the multipurpose terminal and the Mauritius Container Terminal.

The Commission visited the container park and was taken aback to find such a chaotic situation prevailing. Access to the terminal was given to anyone who had a pass to collect their containers. With the complicity of certain officers, there had been pilfering of containers as reported by the CHC.

The CHC also complained of the presence of the Customs in the container parking and their personnel were not at ease to question the presence of officers of the Customs. The Commission understands that the Container Park is under the authority of the Customs for clearance of merchandise and the presence of the Customs is obviously to check certain containers.

6.11.3 ACCESS TO CONTAINER PARK

The Commission considers that nobody should have access to the container park except the personnel of the CHC and its security guards. The Commission did not find the presence of any security dogs with handlers patrolling the area under the control of the CHC albeit that the park had been fitted with CCTV cameras. The CHC does not deal solely with containers arriving by ships, it also receives local containers to be uploaded on ships for export. The Commission understands that it is only after customs clearance that the container is received by the CHC. It is for the CHC to consider how best lorry drivers should have access to the park.

The Commission did not query the transhipment procedure as it is not an issue. However if ADSU or the Customs have credible information of drugs in containers on transit, they would have to follow a protocol which the Commission did not probe into as it is more concerned with drugs entering the country and not so much with drugs on transit.

The Commission understands that surveyors for some shipping companies do need to survey containers which are damaged to ascertain that they were safe to be on board the vessel. The Commission does not understand why surveyors should survey during the night and even if they had to, the Commission is of the view that there must be a protocol prepared by the CHC explaining the different steps to be followed for security purposes.

6.11.4 PRESENCE OF CUSTOMS

The Commission considers that if the Customs require that a container must be checked, there must be a procedure where the suspected container is removed from the compound of the Cargo Handling Corporation and handed over by their own driver to the adjacent premises of the Customs following an established procedure where the scanning of lorries with containers can be effected under Customs' responsibility.

In the present state of affairs, it is the consignee who mandated its lorry driver to collect the container from the park after fulfilling certain procedure and it is directed to the scanning area, if need be, when the Customs so decide. The Commission does not understand the procedure of removing a container from the container park for scanning and thereafter returning it back to the container park. The Commission considers that once a container has left the park and is under the custody of the Customs, on hold, until it is claimed by the consignee, it should be kept on Customs' premises.

6.11.5 DESTUFFING OF GOODS

The Commission also observed the place where the de-stuffing of goods was effected which was not far from the scanning area. Here again although there were the sniffer dogs, the Commission noted that they played a passive role until when one of the Commissioners requested that the dog be removed from its leash and allowed to roam inside the container.

This area is also not secured given the high number of persons present and any parcel could have been surreptitiously removed by somebody under the nose of the Customs and ADSU officers. The Commission noted the familiarity of some of the importers or their employees with the official on duties, though this might be a good thing as it reduces tension in a situation of stress but this must not prevent the official to be on their guard. Excessive familiarity is uncalled for .

6.11.6 SCANNING

The Commission understands that not all containers were scanned. After a profiling, only about 5% of the containers were scanned. The Commission considers that the percentage of containers scanned is too low and the policy must be reviewed. The reason given by the Customs not to scan all containers was that there were too many containers which were disembarked and destined for the local market. The Commission considers that the reason given is not compelling as the Commission assisted the scanning of a long haul container and it did not take more than 5 minutes.

There is no price for security when it is to the knowledge of the Customs and ADSU that large quantity of heroin were imported hidden in certain types of goods which did not even arouse the authority until the tip-off which allowed them to find, hidden in sealed air blasters, hundreds of kilos of heroin. It is well known that later ADSU discovered that similar containers were retrieved in different areas of the island. What is much surprising is that the file has not progressed and the alleged importer is still on remand with no identity of the real consignee revealed.

Despite much publicity had been made in the press, the Customs did not deem it fit to have the blasters scanned in order to take a picture from the scanner for future reference in its data base. It has never occurred to the Customs that in air blasters, made of metals, there could not be inorganic substance in its components. Had all containers been scanned, the Customs would have been able to detect the presence of drug without the tip-off.

6.11.7 REVAMPING OF METHODOLOGY

The Commission therefore considers that the whole system should be revamped and a detailed protocol drawn to allow proper profiling of the consignees who should be classified and categorised depending on their reputation as high risk, medium risk or low risk and kept in the database. This does not mean that surprised random check should not be carried out from time to time to the low risk category of consignees. A more scientific approach must be considered and the scanning result fed in the data base for future reference as comparison of what could be expected in the container with hindsight of the result of previous scans of similar cargo.

If the Customs consider that it would delay the release of containers, it will be for the Customs to install more scanners which will be anyway necessary with the extension of the container park.

6.11.8 ACCESS AND SECURITY

The Commission is of the view as highlighted above that only accredited employees of the CHC should have access to the container park and if the Customs requires searching a suspected container, that container should be handed over to the Customs on their premises for the needful to be done.

The CHC must have its own security guards to patrol the area without having to rely on the regular police force irrespective of the fact that the area is also covered by CCTV cameras which will require personnel as they must be manned on a 24/7 basis to get the optimum surveillance result. The Commission was told that there were only 33 guards and there was a decision to recruit 40 more. Obviously having regard to the three terminals under its control, the CHC would not be able to provide proper security, the more so that the employees worked on shift system and other matters like sickness and leave clearly handicapped the smooth running of security planning.

6.11.9 NEED TO REVIEW PORT AREA SECURITY

The CHC should carry out a survey to identify all the weak points in the port area under its responsibility in association with the Port Authority, and there are many which had been pointed out by several witnesses be it the police or employees of the CHC. There should be no possibility of access from the sea or from the land side and they should be responsible at the entrance to search any person entering the site.

It will be the responsibility of the National Coast Guard to patrol the container park area so that no person can have access to the park from the sea. The Port Authority with the CHC must limit the number of points of entrance and egress. The whole area must be reviewed so that there can be proper control with less movement from the traders and their agents.

6.11.10 RESPONSIBILITY FOR CONTAINERS

As all containers will have to pass through the Customs, the responsibility of the CHC stops once the container have been handed over to the Customs and it is then for the latter to set up its own security structure so that no containers leave its premises without having obtained the necessary authorisation. The Commission understands that empty containers were not scanned by the Customs but simply check visually by them. The reason given was that only some 170 containers could be scanned daily by the Customs and there was an arrival of some 400 containers daily which would increase shortly with the expansion of the container terminal.

6.11.11 SECONDHAND/RECONDITIONED CARS

The Commission was astounded to hear that reconditioned cars were left in a car park not far from the terminal albeit under Customs' control but apparently, there had never been any search effected on those vehicles, which could be perfect hiding place for drugs and other articles. The Commission also did not hear if any search for drug had been carried out on new vehicles as well. The Commission considers that this is a potential loophole which must be attended to in view of the ingenuity of drug traffickers and their capability of corrupting people.

6.11.12 PRIVATE COMPANIES IN TERMINAL AREA

The Commission also heard of private companies having office in the terminal area be it gas, petroleum, cement, flour companies. This is clearly unthinkable as it ought to be a restricted area. The Commission received testimony from a former responsible officer of the Port that there is absolutely no proper control when the person left the premises. There was a disagreement between the Police force and the CHC as to whether additional fees should be paid to the police to maintain sentry at some of the entry points.

It is also unthinkable that the port area is so close to the motorway or other secondary roads where there was no surveillance and drugs could be pelted over the fence albeit that there were mobile patrols but at which interval, the Commission had no information. Even if there were mobile patrols, the traffickers would know when and at what regular intervals they were effected. There were blatantly no guard dogs in that sensitive area and the responsible officer CHC during his deposition mentioned about recruiting some 40 security officers in the future so as not to depend on the police force.

6.11.13 FISH FOR COMPANIES IN FREE ZONE

The Commission also heard of a company dealing with frozen fish in the port area having private quays where the fish, without any check by the authority, went straight to the premises of the factory. Traffickers are very astute with means to cope with any change of situation. It is known that drugs may be hidden in frozen fish as well by accomplices of traffickers who would have no difficulty to pick the parcel from the high seas and to hide it in frozen fish, if not in the cavity of the fish before it is frozen. The Commission has been told that sniffer dogs will not be able to detect drugs in the circumstances. The Commission is anxious about the real possibility that such fish find their way in the hands of the traffickers with the complicity of lorry drivers.

The Commission heard from the Port Authority that its request for the police to control the access to the private quays had been unsuccessful because of the fee claimed by the police. The Commission does not accept the stand of the police since it has a team posted at the Harbour police which can be deployed to perform security check. It was only when the Commission questioned this matter that there is now some form of check.

6.11.14 SALE OF SURPLUS FISH

Moreover, the Commission heard that the captain of the fishing vessels could sell the remains of their catch to local who obviously required a permit to be in that area. The Commission heard that many of those who had obtained a licence had political backing and at times, there had been rows. The Commission does not understand why this state of affair should keep on going despite observation from the Port Authority, the more so that those persons go on board the fishing vessels to unload the fish and moving from fishing vessels to fishing vessels without any control can lead to temptation of smuggling other goods.

The Commission takes on board the suggestion that remaining fish stock should be sold to the Marketing Board and kept at Trou Fanfaron Cold Room and auction of the fish could be carried out at Fort William where a special building had been constructed for that purpose and which had never been put into good use. This will cause less crowding in the port area and put an end to any form of favouritism and cronyism.

6.11.15 CONTROL OF SMALL BOATS

The Commission also heard of small boats in the port area moving around ships to take sailors to bring them on land and to return them on board. The Commission heard that there was no effective control of the activities in this sensitive area of the Port despite the presence of the landing area for that purpose hopefully manned by the relevant authority which more often than not was never observed by the pilot of those boats. Severe sanctions such as removal of the licence must be envisaged if order must be restored.

6.11.16 NCG MOORING AREA

The Commission visited the area where a good number of the ships belonging to the NCG were moored. The fact of having quite a number of patrol boats is a good thing but the use made of them is a different matter. The Commission heard from the ADSU of a case of parcel being dropped on the high seas or dropped by a sailor in the Port after rummaging and picked up by a small craft making the task of ADSU highly difficult to lay hands on the culprits. The Commission has been told that there were hardly any patrol by the NCG around and in the vicinity of the Port the more so that ADSU had arrested a gang who left the Tombeau Bay area at night to go to the high seas to pick up parcels of drugs dropped in the sea and located with a GPS for easy retrieval. Despite the fact that vessels are rummaged, given their size, success in finding drugs is a game of chance if the ADSU had not been a tip-off. The Commission heard of parcels being thrown overboard to be picked up by small boat under the nose of the coast guards.

6.11.17 DANGER OF DHOWS

An official UNODC report describes how there is an important increase of trafficking by dhows, the small wooden boats with no GPS, which go undetected by satellites in the northern part of the Indian Ocean, not very far from and may be even in Mauritian territorial waters. The relevant authority must be conscious of the possibility of those boats stopping in all the outer islands in that region. The Commission will look into this aspect of the NCG lengthily when dealing with the various agencies.

6.12 RECOMMENDATIONS

6.12.1 AIRPORT

(i) The Commission recommends that bill boards should be affixed in very conspicuous places for the passengers entering the terminal hall, on their way to the health and immigration counter, in the luggage retrieval concourse and at the exit channels warning them of the severity of the sentence for those who are found carrying drugs;

(ii) The Commission recommends that all personnel leaving the airport, be it junior or senior officials, especially those who have access to the arrival terminal and to the aircraft should undergo a search by the airport security team under the responsibility of the Civil Aviation Department;

(iii) The Commission recommends that the Civil Aviation Department must have its own security squad to patrol the airport area albeit that its management had been transferred to Airport of Mauritius Ltd or to ATOL, to see to it that no unauthorised persons are found in areas to which they have no access. Moreover, those who are not scheduled for duty must not be authorised to have access to the sensitive areas and in the event of breaches, prompt inquiry and sanction must be taken;

(iv) The Commission recommends that all those who have access to the aircraft like the cleaners, those working for the catering department, the engineers, the ADSU officers, Customs Officers, Health Officers, the security officers, employees of International Couriers must be scrupulously searched when leaving the airport premises by the airport security team;

(v) The Commission recommends that all aspects of security on the airside area must never be contracted out. It is the responsibility of the Civil Aviation to have its own security team, even to keep watch over aircrafts pending their take off;

(vi) The Commission recommends that toilets in the vicinity of the Immigration Arrival Hall and in the delivery of luggage concourse should be restricted solely for the use of passengers and no personnel of the Civil Aviation, ATOL, AML, police or customs should have access. Cleaners should be scrupulously accompanied by security officer and searched when leaving the terminal. All those areas to be under CCTV cameras surveillance;

(vii) The Commission recommends the Civil Aviation Department to review its monitoring process to track the flights of those seaplanes either from its control tower at the airport or to have a MOU with the NCG Air Squadron to have strict control over the movement of the seaplanes from departure to landing. Regulations must be made to have very severe sanction like mandatory imprisonment for a minimum period of 5 years on first offence together with a fine of Rs 5m including forfeiture of the craft and disqualification for life to fly such type of craft or to obtain an operation permit for those caught to be involved in drug trafficking or collaborating with drug traffickers;

(viii) The Commission recommends that the use of powerful drones should be strictly controlled as with the ingenuity of the traffickers, they always find ways and means to circumvent vigilance and obstacle to their lucrative business.

6.12.2 DRUG ENFORCEMENT AGENCY

(i) The Commission recommends that the new National Drug Investigation Commission [NDIC] shall be the sole unit at the Airport and Port to investigate suspected luggage or passengers with powers of search, arrest, and others as explained in a later chapter;

(ii) The Commission recommends that the NDIC should be provided with sufficient kits for testing drugs on the spot;

(iii) The Commission recommends that the NDIC should be provided with electronic gadgets to be able to follow the mules;

(iv) The Commission recommends that any suspected drug parcels found on the passenger should be treated discreetly so that no suspicion is aroused that the NDIC had found drugs in order to be able to follow him/her.

(v) The Commission recommends that the NDIC should be provided with sufficient electronic devices to probe into suitcases or to be able to track telephone conversation,

(vi) The Commission recommends that the NDIC must be provided with the most sophisticated recording device, image and voice recording, with foolproof procedure which will not be able to be challenged in Court;

(vii) The Commission recommends that the NDIC should be provided with sufficient personnel, powerful vehicles be it cars and motorcycles to be able to follow the suspects;

(viii) The Commission recommends that the NDIC must be provided with the latest state of the art communication devices on secured line to exchange information between them;

(ix) The Commission recommends that the NDIC should avoid any press conference regarding arrests as had been the practice presently when only small fries had been caught and who would never divulge the names of the consignees;

(x) The Commission recommends that there must be sufficient number of sniffer dogs to service the needs at the Airport, Parcel Post Office, PATS as well as at the Port;

(xi) The Commission recommends that sniffer dogs must be posted at strategic points at the exit of the gangway where passengers must come through to reach the immigration counter;

(xii) The Commission recommends that at least two x-ray machines be installed at the airport to x-ray suspected 'mules' and/or any other state of the art apparatuses to examine individuals who have hidden drugs in their body cavities. Sufficient personnel must be present to man the machines on a shift basis;

(xiii) The Commission recommends that the Dangerous Drugs Act be amended to make it an offence for anybody who refuses to undergo an x-ray when there are reasons to believe that the person has swallowed pellets containing drugs or hidden in the body cavity.

6.12.3 THE CONTAINER PARK AND PORT AREA

(i) The Commission recommends that since the whole container park area is a restricted area, all trespassers must be prosecuted after thorough investigation of their assets and those of the family as well as their bank accounts;

(ii) The Commission recommends that the Port Authority, together with the Port Police and the National Coast Guard [NCG] should prepare a plan to limit the movement of the small boats in the port area. A traffic lane should be designed to be used by the small boats in between the mandatory passenger landing place and the area in the port where the ships are moored. No small boat should be authorised to sail near the container terminal park and the NCG must patrol the area permanently. Contraveners should be severely sanctioned with revocation of permit and prohibition to hold any such permit for a number of years;

(iii) The Commission recommends that the NCG should be more vigilant even if it has a 24 by 7 patrol in the vicinity of the Port area and it should not rely solely on the satellite tracking system, the more so that many small boats are not fitted with any tracking device and are thus

undetectable. The physical presence of the NCG will have a much effective persuasive deterrence;

(iv) The Commission recommends that only employees of the Cargo Handling Corporation should have access to the container park, which should be patrolled by its own team of security guard along with dogs and it is for the Port Police to patrol outside the perimeter of the container park especially if the place is contiguous to a public area;

(v) The Commission recommends that there must be a proper buffer zone permanently patrolled by security dogs and under CCTV surveillance as several kilometres along the demarcation of the Port area is only separated by a simple fence from the public roads;

(vi) The Commission recommends that all containers destined for local traders should be sent by employees of the CHC to the Customs' area for clearance after having undergone the scanning procedure according to a protocol to be drawn up by the Customs;

(vii) The Commission recommends that access to the container park should be reviewed so that there is only one entrance to and egress from the container park manned by security officers of the CHC;

(viii) The Commission recommends that the Customs verification area should not be within the Container Park but must be separated completely and in area under the sole responsibility of the Customs who would authorise removal of the container after clearance;

(ix) The Commission recommends that the captain of fishing boats should not sell their catch in the harbour to individuals, cooperatives or companies. The sale must be made to the Marketing Board which would carry out public auctions and this would liberate the presence of political cronies who had been favoured with permits to have access in the port area;

(x) The Commission recommends that the CHC must have sufficient security officers to patrol the three terminals under its responsibility along with security dogs;

(xi) The Commission recommends that the CHC must envisage drawing up memorandum of understanding with the NDIC, the Port Police and the Customs;

(xii) The Commission recommends that the number of accesses to the Port area must be reviewed to the minimum and each properly manned with adequate number of officers.

Note: What is recommended for the Airport where appropriate will apply also to the Port Passenger terminal as well as to the PATS and the Post Office Parcel Posts regarding security, surveillance and tracking of illicit substances.

CHAPTER 7: THE CHANNELS OF ENTRY AND DISTRIBUTION OF DRUGS IN PRISONS [TOR IV]

7.0 BEHIND CLOSED DOORS

Since access to the prison premises is controlled round the clock, it would have been unimaginable that drugs would be found within the precincts of the prisons. Moreover, not many of us see what goes on behind the closed doors of our prisons with high walls. Attempts have been made by all those in authority to help the inmates who are simply marking times waiting to return back to the community which they all have to one day. Most of them spend days in and out with no purposive aim save for the traffickers behind bars who are still actively indulging in their lucrative trade with accomplices both inside and outside the prisons, aided by modern technology of mobile phones and its related applications, some of which are, albeit retraceable, but cannot be viewed owing to protective encryption.

7.1 MODE OF ENTRY OF DRUGS IN PRISONS

Despite the fact that the Prison Administration has a team of some 250 officers whose duty is mainly to search visitors, prisoners, cells and goods vehicle following information by the Intelligence Team composed of some 80 officers together with the 24/7 Team, the Commission heard from the Commissioner of Prisons and his Intelligence Team that besides drugs, other prohibited articles like mobile phones and sim cards were found in the restricted guarded area. The prohibited articles are pelted over the prison walls, brought in by the prisoners, convicted or on remand, hidden in their body cavities after their visits to courts or to hospital, by visitors of the prisoners who although having no physical contact with the prisoners would surreptitiously hide the prohibited articles in the yard to be picked up by prisoners enlisted to do cleaning work in the yard.

7.1.1 PELTING

There are much easier ways of smuggling drugs into jails. The most popular method is for an inmate to arrange for drugs to be thrown over the jail wall, where they are then 'fished up' by fellow prisoners while the guards are distracted or had forcibly to turn a blind eye as they are paid accomplices. Deliveries are arranged via mobile phones smuggled into the jails or even via the prison phone system.

The Commission finds it odd that the Prison Authority did not even compile statistics of the different spots where the parcels landed in the prison yard in order that surveillance could be concentrated on the vulnerable spot. The Commission understands that because of the proximity of the residential areas and the presence of the public roads, pelting has been a regular feature at the Beau Bassin prison, the GRNW prison and that of Petit Verger. Despite having guards on the watch towers and guards in the prison yard, prisoners succeeded to retrieve the parcels.

With the use of mobile phone, appointment was taken when a parcel would be expected to land in the yard of the prisons, even under the nose of the prison wardens. The Commission has been informed that convicted drug traffickers have even dared to ask prison sentries on the catwalks and the sentry tower to move away as it is not in their interest to stay at their posts. The Commission has not heard of the pelting

problem at the women's prisons or at Richelieu prison but nevertheless there has been a proliferation of mobile phones and sim cards which can only be introduced on all probabilities with the connivance of squalid officers.

Melrose prison has been constructed in a cane field and because of the existence of private land planted with sugar cane adjacent to the prison building, there has been regular pelting despite the presence of guards in the watch tower.

7.1.2 THROUGH GOODS VEHICLES

The Commission also heard of the introduction of the prohibited articles by the lorries delivering goods destined for the upkeep of prisoners. Instructions had been given to prohibit those lorries from entering the precincts of the prisons and goods were disembarked and transferred to vehicles belonging to the administration. Nevertheless despite the changes, prohibited goods still find their way to the inmates.

7.1.3 DIRTY ROLE OF RED BAND PRISONERS

The Commission has heard of the dirty role of the red band prisoners who allegedly after screening are found to be trustworthy to help in the menial works in prisons. They are the persons who have access to different quarters and they are the conduits of the prohibited goods to the notorious drug traffickers.

7.1.4 INTRUDERS IN BUFFER ZONES

The Commission has been informed of the defective lightings along the outside walls of the prisons and worst still some of the CCTV cameras are not functioning to detect intruders during the night who are roaming along the buffer zones around the prisons' walls. The Commission finds it unacceptable that in high security prisons those defective lightings and cameras would not have been repaired forthwith for security reason.

7.1.5 SQUALID CORRUPT PRISON OFFICERS

But the true reason for the presence of so many mobile phones and sim cards in prisons, as admitted by the administration, is the complicity of corrupt prison officers and many have been caught, some are still awaiting trial. Some 23 cases of drugs involving prison officers have been detected and regarding the smuggling of mobile phone and sim cards, the Commission has been told that there are over 1500 cases. Information gathered is that a smartphone introduced can fetch up to Rs10,000 to Rs100,000 to the indelicate officer which shows that the traffickers are bent to invest heavily to get the latest state of art technology to be capable of communicating with the outside world.

7.2 MOBILE PHONES IN PRISONS

The number of cell phones and sim cards secured from the prisons is incredible. The Prison Authority is aware and the Commission flabbergasted to learn that this is and has been the means used by convicted drug traffickers who are still very active in view of the network which they have succeeded in putting up with their trusted acolytes who are at large. From the Prison Intelligence Unit, as the convicted drug traffickers are still very active, this is a clear indication that the traffic of mobile phones is still taking place despite numerous crackdowns.

The Commission has visited a few prisons to look into the security aspect in order to understand how cell phones, sim cards and drugs can still find their way inside the prison despite alleged strict security as explained to us. If the security is that strict, it is impossible to find such restricted articles inside the prisons.

Mobile phones in the prisons have been the biggest threat the country is facing regarding drug trafficking. The Commission has been able to trace the foreign telephone numbers communicating with the main offender, Mr. Veeren Peroumal, a notorious drug trafficker. Other convicted drug traffickers as well namely Mr. Siddick Islam and Mr. Curly Chowrimootoo as well as Mr. Jean Jacques Dereck who is on remand have been communicating abroad.

All communications overseas have been to places known for drug trafficking. The notorious drug traffickers are also in contact with accomplices outside the prisons. There are worrying signs that inmates belonging to organised gangs are controlling the distribution of drugs both inside and outside their jails. And the Prison Administration estimates that about 40 major drug dealers continue to control distribution networks across the country from within the confines of their cells.

From the diaries retrieved from some of the notorious convicted drug traffickers, the Intelligence Team of the Commission carried out a very tedious painstaking exercise in tracking the numbers which were found in the diaries of those prisoners. The Commission recognises that tremendous pressure that has been put on the telephony service providers to divulge the names of the long list of subscribers submitted to them. But unfortunately, some have been very slow in communicating the required information thus slowing down terribly the works of the Commission.

Be that as it may, the information received from the various telephony service providers has enabled the Commission to trace out the people who have been in communication through unlawful means with detainees. The persons identified consist of members of the family of the inmates, alleged friends, prison officers as well as barristers at law.

Section 61(1) of the Reform Institution Act makes it an offence for an officer who '*without lawful authority, permit any prohibited article to be conveyed or supplied to a detainee, received or used by a detainee or brought into or taken out of an institution*' or '*who receive any fee, favour or gratuity from a detainee or a discharged person*'.

Moreover under section 61(2) of the Act, '*no person shall unlawfully convey or supply to a detainee in or outside an institution, or hide or place for the use of a detainee, any prohibited article; by any means, unlawfully bring into an institution or any place where a detainee is working, any prohibited article; unlawfully take out of or convey from an institution any prohibited article; unlawfully communicate with a detainee or cause or induce any other person to do so*'.

7.3 SEARCH POLICY

From reliable sources and testimony before the Commission, those prohibited articles can only find their way inside the prisons through the complicity of prison officers.

We have it that senior officers are not searched by those whose duty is to check them and worst still, at night, the senior officers get easy access allegedly in the exercise of their surprise visit.

The Commission notes with satisfaction that the Commissioner of Prisons has given instruction that all officers must be searched during the day or at night irrespective of their ranks. The Commission's Investigation Team investigated on 102 prisons officers but the Commission has heard only a few of them who have been in unlawful telephone communication with prisoners and those whose bank accounts show that that there have been deposits in their bank accounts which calls for explanation. Their provenance is so suspect and some tried to explain that the money comes from a side business but most of them embarrassingly have explained that the moneys are gains obtained through gambling in casinos or betting at the races.

The Commission further notes with regret that Mr. Raouf Gulbul, in his capacity of both the Chairman of the Gambling Regulatory Authority and the Law Reform Commission has done nothing to identify the loopholes and to bring about the necessary amendments.

7.4 PRISON OFFICERS.

The Commission has also noticed that many of the prison officers, a few days after their monthly salary had been credited, have insignificant amount left in their accounts to cater for the family's needs. The Commission has also received credible information that the wardens, being talkative, have let it known to the prisoners of their financial problem and they have become the easy preys of the drug traffickers who enrol them to execute illegal activity in return of monetary reward.

7.5 UNLAWFUL MOBILE COMMUNICATION

The Commission has also noted that some of the errant officers have been in communication on mobile with prisoners despite the fact that they know that it is a breach of the Prisons' Regulations to enter into private conversation with prisoners through illegal means and in breach of the Reform Institutions Act. Some also top up the sim cards of the prisoners with such amount as to enable the prisoners to freely make use of their smartphones to communicate abroad and mainly by WhatsApp and Viber through mobile data.

The prison wall is not a boundary anymore. The Commission is of the view that entry into the prison premises must be reviewed because if there is a liberal visiting policy, the attempt to smuggle in prohibited articles be it drugs or mobile phones is always going to be there, coupled with the presence of squalid corrupt prison officers without whom the drug traffickers will be unable to continue their lucrative business.

7.6 JUGE D'APPLICATION DES PEINES

The Commission will recommend the setting up of a system of *Juge d'Application des Peines* who will not look only into visits but also looks into disciplinary action and other matters relating to the welfare of prisoners. The only way to curb the traffic by squalid officers is to review the mode of recruitment, review the academic qualification, to compel new recruits to undergo psychological tests and insist on the

mandatory declaration of assets of all wardens and other officers involved in the security of prisons every year at specific intervals.

7.7 TACKLING CORRUPTION

It suffices to have a handful of corrupt officers to pollute an entire jail. They can bring in an awful lot of smartphones and drugs in a short space of time. Drug dealing in the prison system is not an amateurish operation; it is becoming much more organized and the drug traffickers are using the state of the art commercial administration with modern communication technology, some are even on Facebook. They manage to know their prison officers, especially those who have debt problems, low morality and a liking for gambling, making them amenable to monetary bungs and other privileges in return for turning a blind eye to drugs and mobile phone smuggling.

Tackling corruption will obviously restrict supply but it will not eradicate the problem if the other avenues of entrance of drug in the prison are not plugged. Consequently, recruitment of would be prison wardens must be reviewed so that only competent, high moral personnel should be given the responsibility not only of guarding but also to look into the welfare of prisoners and apply human rights norms.

7.8 CIGARETTE AS CURRENCY

The Commission also receives testimony of cigarettes being used as a currency to obtain drugs or to have the use of mobile telephone and besides cigarettes, indigent prisoners render all sorts of services to the notorious drug traffickers either to have their protection or to obtain certain advantages. The Public Health Regulations regarding smoking must necessarily apply to prisons and it would be an opportunity for those addicted to tobacco to get purged while serving sentence.

7.9 ACCOUNTS OF PRISONERS

The Commission notes that the system of putting credit in the account of the prisoner by members of the family must be reviewed if not completed revamped. The Commission has evidence that it is one of the ways through which ill-gained money is being laundered. Traffickers make use of lawyers as well as individuals who have no family link with the prisoners to replenish the account of the inmates. The account of prisoners convicted for drug offences are being replenished by persons having no family link with them.

The Commission strongly believes that in all probabilities, it is the means by which notorious drug traffickers rewarded the prisoners or have made use of their accounts in order to have more money available in the prison precincts to enable them to satisfy the numerous fries who are at their services.

The Commissioner of Prisons has communicated to the Commission the amounts which have gone into the accounts of prisoners. In 2013 it has been Rs6m; in 2014, the amount of Rs 6.5m; for the year 2015, it has been Rs5.6m while for 2016, it has been Rs5.8m. From January to April 2017, over Rs250,000 to Rs388,000 have been credited in different accounts but when the control has been tightened as from the month of June, the monthly amount has dropped drastically. In June 2017, it drops to

Rs54,000; in July to Rs41,000; in August to Rs22,000, in September to Rs20,950; in October to Rs18,300; in November to Rs15,375 and in December to Rs14,000. This is a clear indication that there is money laundering through the system.

The Commission is of the view that it is only wages earned by the inmates in prison that must be credited in their accounts which will also be a form of savings enabling them, at the time of returning to the community, to have a lump sum. From their earnings, a certain amount can be sent and used for their upkeep and some sent to the family.

7.10 WWW@DRUGS IN PRISONS.com

Use of illicit drug in prisons cannot be the norm. It is too well known that drug dealing is a lucrative business because of the enormous benefits derived from it and the dependence it creates turning drug abusers into crime and to adopt a criminal lifestyle. Needless to stress that drugs also cause violence and health risks, unpredictable behaviour with its toll of pressure and miseries on families. Moreover, it is often the basis of indebtedness and intimidation leading to the drug abusers becoming petty drug pushers in order to get the daily supply to satisfy their excruciating crave.

It has been brought to the attention of the Commission that long before the advent of the www, the notorious traffickers have developed their own WWW i.e Wealth, Women and Wine. They send detainees who act as their front desk officers to gossip with the new recruits to identify those in dire need of finance, those addicted to gambling, those having a weakness for women and those who are disciples of Bacchus in order to enlist them to be their go-between and errand boys. The corruptible prison officers are thus provided with whatever they need in return for introducing drug, mobile phones and sim cards into the prison. Many have been encouraged to take loans which are most probably serviced by the traffickers.

7.11 MORE DECENT SALARY?

However the Commission does realise that whatever increase in salaries by Government, they will never be able to match the huge sums being offered by the notorious and unscrupulous traffickers. That is why the Commission is suggesting that recruits must undergo psychological tests to ascertain that those recruits have such values as integrity, honesty, credibility, conscientious devotion, aptitude and most of all the mental capacity to withstand disparaging remarks before being entrusted with a very difficult task of having to face hardened criminals and lifers.

Attention must also be paid to drugs prescribed by doctors in prisons for the treatment of the drug abusers so that the patients do not, through lack of surveillance of the medical staff, indulge in trading the drug which they did not swallow as it ought to have been.

7.12 RECRUITMENT REQUIREMENTS

Emphasis must be laid upon studies in respect of human psychology and relationship arching on addressing and solving human conflict. More importantly the recruits must be exposed through lectures/videos to the harsh reality of prison life and to the very

powerful '*loi de la pègre*' to avoid the manoeuvre of and manipulation by the notorious drug traffickers.

Since many of those who have been called before the Commission to explain the money which found its way in their accounts have stated that those are gains from gambling, the Commission is of the view that would be officers must not have a passion for gambling in casinos, gambling houses or race course. The Commission notes that many of the wardens heard are in dire need of money as can be culled from their bank accounts for just after they have received their salaries, their accounts are in the red or with only a few rupees standing to their credit for use for the rest of the month. It is obviously impossible for them to fend for the family. Consequently, those officers have been easy prey of the drug traffickers who remunerate them with an amount which might be five fold their monthly salary. This is why the administration has been seizing a huge amount of mobile phones.

7.13 RECOMMENDATIONS

7.13.1 DRUG TESTING

(a) The Commission recommends the mandatory drug testing of all prisoners on admission to and release from prisons as well as at frequent intervals in order not only to monitor the drug incidence in prisons but also to prevent and reduce health harms in prisons. The information obtained will enable the prison administration to sieve drug abusers from dealers; to propose appropriate customised programmes for treatment for each individual drug abuser so that treatment is more effective and follow up effected in an informed way to enable continuity after release. This will also enable the prison administration to collect statistics as to the number of drugs abusers and those who become abusers while in custody and moreover to better assess the performance of the detainees;

(b) The Commission recommends that proper harm reduction and rehabilitation procedure be put up at the LOTUS Centre with the help of NGOs.

7.13.2 JUGE D'APPLICATION DES PEINES

(a) The Commission recommends the scrapping of the Board of Visitors and to replace it by the *Juge d'Application des Peines* [JAP] with wider powers and duties and with its supporting staff of experienced, genuine and credible social workers and psychologists;

(b) The Commission recommends that the JAP will have the responsibility to issue passes to members of the family of the inmates who wish to visit a prisoner, to authorise visits of legal advisers. Application must be made by the Legal Practitioners to the JAP prior to any visits. The duties of the JAP shall include inter alia looking into the release on parole of inmates, release of deserving inmates who have served a certain percentage of the sentence on licence, remission for good behaviour to encourage the inmates to abide by the internal regulations of the prisons, review the internal prisons' regulations in order to device different category of regimes from soft to tough to give prisoners an incentive to behave properly and to follow rehabilitation programme which would earn points for reviewing their regime. Even those sentenced for drug trafficking,

although not entitled to an automatic remission of their terms of sentence, can upon satisfying certain conditions to be promulgated benefit from remission for good behaviour granted by the JAP;

(c) The Commission recommends that no visitors can have access to an inmate without prior written approval of the JAP on date and time specified in the order;

(d) The Commission recommends that visits by authorised member of the family must be during a specific time of the day as ordered by the JAP;

(e) The Commission recommends that visits by legal advisers must be on the date and time specified in the order of the JAP and application made within 48 hours;

(f) The Commission recommends that all NGOs must also require clearance from the JAP before having access to the inmates' quarters for the authorised activities;

(g) The Commission recommends the setting up of a Prison Investigation Team to report to the JAP on the work of the wardens, the NGOs and the complaints of inmates;

7.13.3 REFORMS

(a) The Commission recommends that reform of the prisons' regime must be undertaken focussing on a tailor made thought through plan for each individual prisoner thus necessitating the recruitments of more social workers and psychologists, the case management of high-risk prisoners, enhancing the capability of intelligence gathering and analysis to address existing and emerging threats to security and the undeniable necessity of follow-up after release. Studies must be carried out to analyse the causes of recidivism, the need of training of wardens including conflict resolution, stress and anger management programmes and in human psychology;

(b) The Commission recommends the setting up of a committee to review the Reform Institution Policy;

(c) The Commission recommends the necessity for the creation of different regimes from strict to almost complete free movement regime depending on the attitude and behaviour of the prisoners and the terms of sentence remaining to be served and the use of early release on parole after having satisfied the JAP of the successful stages reached by the prisoner. The creation of different regimes with privileges from almost free movement and maximum visits to very strict isolation status which can be reviewed at quarterly intervals by the JAP with report from the Commissioner of Prisons and appraisal of the psychologists and social workers which will be an incentive for prisoners to behave and to abide by the prison's regulations, to be less belligerent, provocative, arrogant and to participate in activities which will make him earn credit conducive to change regime and to follow rehabilitation programme. Any decision taken should not be in breach of the International Convention against Torture and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

(d) The Commission recommends the necessity of the establishment of mentors for individual prisoners who can motivate, support, challenge the inmates to ensure that they do engage actively and willingly in the facilities provided by the administration so as to encourage them to turn away from criminal activities. Such facilities include education, works, training in professional activities;

(e) After release, the welfare officer will have an obligation to follow the prisoner, tender advice and help him in securing a job with the solid linkage and support by the members of family, the accredited NGOs, the Probation Services and dedicated socio-cultural organisations;

7.13.4 SECURITY

(a) Since there have been cases when prisoners taken to court or hospitals are found with prohibited articles, the Commission recommends that such prisoners must never have access to any other persons be it a member of the family. All personal contact must be strictly prohibited and any officer in breach of that obligation must be immediately sanctioned and prompt enquiry carried out on his assets and that of his close relatives;

(b) The Commission recommends that any toilet which is used by prisoners must be thoroughly searched before any inmate can use it. If possible, toilet to be used by prisoner only in court premises must be identified and be under control of the prison security team;

(c) The Commission recommends that the administrative part of the prison compound which is completely separated from the building housing the inmates is where visits by family members and legal advisers should take place and the area covered by CCTV cameras;

(d) The Commission recommends that no physical contact during visits is permissible except for detainees classified in the soft regime by the JAP;

(e) The Commission recommends that the prisoners taken to court must be under the responsibility of the prison security team and not the police as is the case of prisoners having to attend hospital;

(f) The Commission recommends that no goods vehicle or any foreign vehicle must have access to the prison compound. All unloading should be done by the contractors without the help of RED BAND prisoners;

(g) The Commission recommends that security cameras [CCTV] must be of pristine quality and manned on a 24/7 basis and the recording kept for at least a period of 1 month save for the days when there are incidents which had been captured on image. The cameras must also be installed on the outer walls and in sensitive areas which must be identified. Any breakdown of the CCTV system must be attended to promptly;

(h) The Commission recommends that in view of the fact that a junior officer will never dare to carry out a body search of a senior officer, security should be carried out by a different independent body separate from the prisons' administration. The operation should be carried out by the Special Mobile Force [SMF] on a roster basis;

(i) The Commission recommends that the SMF be also responsible to accompany the wardens to convey prisoners to courts;

(j) The Commission recommends that there should be scanners [body scanner to detect internally concealed prohibited articles] as well as drug trace detectors at the entrance of the administrative quarters where all staff and visitors must be screened and searched by the SMF. Individual lockers must be made available for the visitors to keep their personal belongings more specially prohibited articles and proper notices be put up at the entrance. Prison wardens must have individual lockers in the administrative quarters to keep their belongings;

(k) The Commission recommends the necessity to have more trained dogs capable of detecting all types of drugs be it psychoactive substances or synthetic drugs hidden in parcels or on people as well as cell phones;

(l) The Commission recommends the patrolling of the buffer zone by special squads with guard dogs and drug detection dogs and the installation of CCTV cameras to ensure that the perimeters of the prison are secured and maintained to wade off and deter items from being pelted inside the prison compound;

(m)The Commission recommends that special attention is required for the prisons at Beau Bassin, Grande Rivière North West, Petite Rivière, Melrose due to their proximity with residential areas;

(n) The Commission recommends the use of ion spectrometry devices to detect trace amounts of drugs. All staff, irrespective of their ranks, must undergo searches and they are required to walk through a metal detector and have their property X-rayed before entering prisons' secured areas. The searches to be effected by the security team;

(o) The Commission recommends that the searches in cells must be effected by a team whose identity is unknown to any prisoners or the wardens. Members of that team, for their security and that of their family, must be masked during the operation and their identity known only to the JAP. The Team must be changed at regular interval by the JAP;

(p) The Commission recommends that no warden must be in the yard used by the prisoners for their daily walk or exercise. The yard to be monitored by CCTV and guards posted on towers permanently;

(q) The Commission recommends that the Prison Authority must be vigilant of the dropping of drug parcel or smart phones and sim cards by accomplices of drug traffickers using drone bearing in mind the close proximity of residential areas with some prisons. The Commission recommends the placing of nets over the

yards used for the daily exercises of the detainees to discourage pelting over prison walls;

7.13.5 MOBILE PHONES AND COMMUNICATION

(a) The Commission recommends that no mobile phones be authorised inside the prisons housing the inmates. Regulations should be passed to make it an offence and any warden caught in possession of a cell phone inside the inmates quarter should be immediately suspended and appropriate disciplinary action taken promptly leading to dismissal envisaged;

(b) The Commission recommends that communication between wardens must be solely through radio and audible to all officers inside the inmates' quarters;

(c) The Commission recommends that inmates would be entitled to communicate through the fixed phone in the prisons to members of their family and all telephone calls to be made by the warden for the inmate and no inmate is authorised to dial the number. All numbers must be from the list approved by the JAP and all itemised telephone bill scrutinised by him. Any warden making an unauthorised call will be brought to task leading to dismissal;

(d) The Commission recommends the purchase of the latest state of the art jammers;

(e) The Commission recommends that there must be more sniffer dogs to detect all types of drugs and mobile phone and to have sufficient patrol dogs;

7.13.6 INTELLIGENCE UNIT

(a) The Commission recommends the enhancement of the capability of the Intelligence Team for the gathering of information and analysis of intelligence. Any matter which poses risk to the prison security should be reported immediately. The team must keep abreast of the best practices;

(b) The Commission recommends that sensitive relevant information be shared with other law enforcement agencies;

7.13.7 BREACHES OF REGULATIONS

(a) The Commission recommends that any prisoner or visitor in breach of the Prisons' Regulations or order of the JAP must be sanctioned with loss of privileges like visiting privileges or telephone communication privileges;

7.13.8 MONITORING OF NOTORIOUS DRUG TRAFFICKERS

(a) The Commission recommends that notorious drug traffickers must be kept in individual cells and closely monitored with CCTV cameras and segregated by

order of the JAP subject to compliance of the provisions of The Standard Minimum Rules for Treatment of Prisoners, now the Mandela Rules;

7.13.9 SMOKING IN PRISONS

The Commission recommends the prohibition of smoking in the precincts of the prisons in compliance with the Public Health Regulations;

7.13.10 ACCOUNTS OF PRISONERS

The Commission recommends that the account of prisoners should be credited only with money earned from work in prisons and to be used partly to purchase articles in the canteen, to contribute for their maintenance, a proportion to be kept as savings to be remitted to the prisoner on release. No postal orders to credit account of prisoners should be allowed. Any payment of fines for prisoners should be clearly regulated and vetted by the JAP;

7.13.11 MEDICAL TREATMENT OF PRISONERS

The Commission recommends that the medical unit in prisons be upgraded so that all medical treatments as far as practicable should be carried out within the precincts of the prisons save for complicated cases which need special care/intervention in hospitals approved by JAP;

7.13.12 RECRUITMENTS

(a) The Commission recommends that all prospective recruits must at least hold a minimum Higher School Certificate and those aspiring to hold higher responsibilities must be degree holders;

(b) The Commission recommends that all prospective candidates must put up a motivation letter and must undergo psychological test to ascertain that they are not of squalid character;

(c) The Commission recommends that would be officers must refrain from indulging in gambling and any breach will be severely reprimanded leading to dismissal;

(d) The Commission recommends that any successful candidate must before taking office and subsequently on a periodic interval to make a declaration of their assets as well as those of their family and close relatives;

(e) The Commission recommends that, in view of the fact that the training given to prospective wardens is adequate, wardens should undergo psychological training, be fully aware of prisons' internal regulations;

(f) The Commission recommends that the salary received by the wardens at all echelons must be reviewed so that money, at the end of the month, should not be a cause of worry for them bearing in mind the specificity of their work they are called upon to execute;

7.13.13 LOANS

The Commission notes from the bank accounts of those officers called before it that several loans were taken from various institutions i.e Civil Service Mutual Aid Association, Employees Welfare Fund etc when their salary was barely sufficient to service those loans. The Commission recommends that the granting of loans must be reviewed since there is the risk that the loans are being repaid by traffickers.

7.13.14 INQUIRY INTO THE PRISON ADMINISTRATION

The Commission has received very disturbing information from the Association of Prison officers as well as from detainees and former prison officers of the protection some very high ranking officers gave to some notorious traffickers, the use of prisoners convicted for drug offences as RED Band detainees to help in menial duties for the administration and who are entitled to move freely around the precincts of the prison and they act as go-between for the notorious drug traffickers in return of reward, corrupt officer posted in the Prison Security Squad or at the Intelligence Unit, cell phones secured from prisoners found their way back in prison, the bad relationship between prison officers and the administration resulting in their frustration, the traffic of smart phone which is still taking place even in the segregation zone where some notorious convicted drug traffickers are kept as well as in the recently reopened Bastille where security is allegedly tighter, having a subservient attitude towards counsel more particularly those barristers cum politicians.

The Commission therefore recommends an in-depth inquiry into the prison administration more particularly to probe into the corrupt prison officers, the more so that the prison is the sanctuary where all drug transactions are carried out.

CHAPTER 8: THE AVAILABILITY OF NEW TYPES OF DRUGS, INCLUDING SYNTHETIC AND DESIGNER DRUGS IN MAURITIUS [TORV]

8.0 INTRODUCTION

The incursion of the latest drug on the market, the New Psychoactive Substances [NPS], commonly referred to as Synthetic or Designer Drugs, has taken numerous countries in the world including Mauritius by surprise. It made its first appearance in Mauritius sometimes in April 2013 where during that year, a number of cases was established by ADSU. Neither the ADSU nor the FSL had any clue what those substances were.

The rise of synthetic drugs since 2013 has been alarming and they were causing havoc amongst the youngsters and some fatal. In 2015, three to four cases of drug dealing with respect to synthetic drugs had been established with a seizure of 97 grams of synthetic drugs. From the last information provided by ADSU, the increase of synthetic drugs on the market is a clear indication of its high demand.

Synthetic drugs are imported through parcels, at the Post Office or at Plaisance Airport through PATS. The importation was in small quantities and from countries where sale was legal. They had been given different flavoury and suggestive premonitory names like "*C'est pas bien*", "*Salvia*", "strawberry", "Elie and Sons", "113", "Volcano" and "*Black Mamba*" etc, which had been mixed with local substances by traffickers. It would only be after analysis by the FSL that their chemical composition would be known.

No prosecution was possible in the absence of proof that the noxious substances were prohibited under any of the Schedules of the Dangerous Drugs Act [DDA]. The legislator intervened in 2013 to amend the Schedules to the DDA to include NPS thus enabling the ADSU to seize, arrest and prosecute offenders thereafter.

The price of one packet or foil of 300 milligram of synthetic cannabinoids is Rs300 and one gram of these drugs is Rs1500 and for one kilogram, the price is Rs1.5 million. They are sold as powder and they are mostly sniffed or smoked.

8.1 UNDERSTANDING THE DANGEROUSNESS OF THE NEW PSYCHOACTIVE SUBSTANCES

There have been numerous cases of overdose, suicides and violence associated with the consumption of NPS in the recent past and many unfortunately fatal in view of the absence of knowledge of the substances taken to enable the health professionals to take prompt and appropriate action. This is a very complex phenomenon in view of the multitudinous finished products with different varieties of chemicals, manipulated and synthesized with the ultimate aim to be used as stimulant, depressant, or to have hallucinogenic effect on the central nervous system of a person to mimic the known drugs already on the market.

This phenomenon is a matter of great concern and the Government has made it its top priority in the setting up of this Commission. The law enforcement agencies, the health providers and the public at large must be conscious of the dangerousness of those substances since they are far more potent and dangerous than heroin, cocaine and cannabis

which they mimic because of all sorts of mixtures of unknown chemicals and organic solvents included therein.

Moreover, they represent a real challenge to the authorities as they are smuggled in the forms of bath salts, plant food, research materials, cleaning materials, cosmetics, candles and lately even in the form of colourful and attractive candies.

The new synthetic drugs are relatively very cheap to produce in huge quantity compared to narcotic drugs. It does not take a long time to synthesize those drugs in a properly equipped laboratory and those drugs are widespread among youngsters and students, not only because the price is affordable but also their availability on the market. The reduced price of synthetic drugs coming from abroad is closely linked with their prohibition in Europe and these drugs are dumped in African countries including Mauritius.

Their degree of purity or potency is another great cause for concern as they easily lead to addiction and can often be fatal to first time users as testified by health specialists. Purchase through internet, using credit card enable home delivery by normal letter or through courier companies for substantial purchase. Although there are a number of kits available in the market for detection of synthetic drugs but with the fast evolution of those drugs, the kits become obsolete very rapidly.

Most of the researches have shown that synthetic drugs caused serious health problems ranging from psychiatric disorders to potentially triggering cancer in view of solvents that are used locally to dissolve synthetic drug powders like acetone, methanol and benzene which are known carcinogen agents.

Although it is not in the mandate of the Forensic Science Laboratory (FSL) to analyse samples from patients in hospitals, the government analyst division of the Ministry of Health does not carry out such tests. Consequently, if the type of drug used is not known, it becomes difficult for the doctors to make an accurate diagnosis before providing the appropriate treatment.

8.2 RECOMMENDATIONS

The Commission therefore recommends:

(i) That in order to avoid further loss of life, a national sensitization campaign on the real dangers of the New Synthetic Drugs be launched at the earliest for the public at large and more specially for students, out-of-school youth and at the workplaces.

(ii) That the Ministry of Health and Quality of Life should send to the Drug Analysis Unit, a division of the FSL, any suspected sample for analysis and not to the Government Analyst of its department to enable the doctors to make proper diagnosis of their patients;

(iii) That the Authority must invest in the acquisition of high tech equipment to enable the FSL to help the NDIC to detect the presence of these dangerous drugs more expeditiously;

(iv) The FSL should be reorganized to act as a Center of Excellence for Analysis, Research, and Intelligence Gathering for Drugs and Toxicology;

(v) The creation of a high level monitoring group of toxicologists and addiction specialists that will report and advise the NDPC to enable the latter to formulate appropriate measures to counteract any new drugs in the world market before their reaching the country;

(vi) That MOU's be signed with countries which are successfully handling the problem of drug trafficking along and within their borders with the advice and assistance of the UNODC;

(vii) That the monitoring of precursor chemicals used in the manufacturing of licit and illicit substances be reviewed regularly and updated as per recommendation of the expert committee of the NDPC.

CHAPTER 9: LINKAGES BETWEEN DRUG TRAFFICKING, MONEY LAUNDERING, TERRORIST FINANCING AND OTHER CRIMES [TORVI]

9.0 CONNECTED OFFENCES

The Commission heard from the ADSU of cases of larceny and prostitution from other partners in the police force which were drug related. Reports concerned also male prostitutes/sex worker having to sell these to procure drugs.

9.1 TERRORISM FINANCING

The Commission did not obtain an iota of evidence in respect of terrorist financing either from the Police, the FIU, ICAC or the Assets Recovery Unit.

9.2 MONEY LAUNDERING

9.2.1 GAMBLING

However, the Commission received testimony from the FIU and other witnesses as to the manner in which drug money was laundered. The Commission Investigation Team has evidence that traffickers launder money in casinos, gambling houses and at the race course. The Commission interrogated at least two persons, who claimed to be hawkers having made numerous trips to Johannesburg, Mozambique and Madagascar allegedly on business. There had been no crediting of any income in their bank accounts save for a few cheques from a gambling house which the Commission enquired into and since queries, that gambling house had stopped issuing cheques.

The Commission heard from those two hawkers that they used to go to gambling houses in groups of 5 persons. On the assumption that each individual brought Rs200,000 in cash to be converted into chips or credits, Rs1,000,000 was easily laundered at one go and even if the group accepted to lose a small amount, the rest was cashed by means of a cheque. At times, corrupt casino managers accepted to issue receipts for wins in return of a few thousand rupees.

The Commission requested its Investigation Team to liaise with the MRA and the Gambling Regulatory Authority to carry out a search in a few suspected gambling houses. The Gambling Regulatory Authority discovered certain breaches in the keeping of the electronic records and some tampered with. Allegedly the GRA carried out an investigation but nothing concrete came out of it which is very suspect.

The Commission also had information of horse fixing and the incredible spectacular win by a horse which no punter would dream of putting a cent and on which heavy betting was made by traffickers and thereafter that horse disappeared completely from the scene.

Many of the prison officers or known drug traffickers and accomplices were questioned regarding the cash deposits in their accounts. The explanation given was that they had won at races or in casinos. Photocopies of allegedly winning racing betting stakes had been produced and in many of them, the name of the same bookmakers could be culled. The Commission did not obtain sufficient evidence to call them. The Investigating Team informed the Commission that several police

officers were owners of horses and one knows how much it costs to import a horse and to maintain it.

9.2.2 PURCHASE OF PREPAID CARDS

The Commission also heard of traffickers using people to purchase prepaid cards in Euros or in USD which were used by traffickers to pay their suppliers abroad. The prepaid card did not exceed Rs300,000 and each person who agreed to get a prepaid credit card was remunerated.

9.2.3 UNLICENCED MONEY CHANGERS

The Investigating Team of the Commission also reported the role of unlicenced money changers and the Commission heard one of them who categorically denied having participated in laundering money of traffickers when his mobile phone was found to have been in communication with notorious drug traffickers who were behind bars and the ADSU had seized numerous foreign currencies from his premises.

9.2.4 HAWALLA SYSTEM

The Investigating team also reported the danger of the Hawalla system practised by some travel agents who for a small commission would readily accept to send money to any part of the world through their business contact and there were no traces of any transaction. It is clear that the travel agency was not a licenced financial institution. The Commission from its research has found out the danger of that system which is being used for terrorism financing, money laundering and drug trafficking in other parts of the world and the relevant authorities must be on the look-out.

9.2.5 PRÊTE NOM

The Commission also found that immovable properties were purchased by persons using '*prête nom*' and many instalments effected before the sale, could not be traced out from their bank accounts. The notary, at the time of the sale would note that payment had been made out of his sight and thus '*quittance*'.

9.2.6 USE OF INDIGENTS TO CARRY MONEY

The ADSU had evidence that paupers had been used to carry foreign currencies to pay drug traffickers. Similarly, accomplices of drug traffickers had been handing over foreign currencies to foreigners who had been used to bring drugs into the country.

9.2.7 BOGUS COMPANIES

According to the ADSU, many traffickers have accomplices who own companies which were obviously bogus as no trading was done and yet in the account of the accomplices, there were huge cash deposit.

9.2.8 PAYMENT TO COUNSEL

The notorious drug traffickers, Mr. Veeren Peroumal and Mr. Siddick Islam, informed the Commission that they paid counsel with drug money. Mr. Veeren Peroumal was cautious only to mention Mr. S. Golaumally and Mr. Hervé Duval and the former had before us denied same while Mr. H. Duval had explained how he and the legal

consultant were paid to advise the trafficker. Counsel Rex Stephen admitted that his clerk had received Rs1.5m in cash as fees from the said notorious drug traffickers and the money was deposited by a lady after the clerk received a phone call that money would be forthcoming for the services of counsel.

The Commission's Investigating Team did enquire into senior counsel who used to attend to the notorious drug traffickers and wondered how they had been paid for there had been a freezing order on the assets of the notorious drug traffickers. The evidence gathered by the Investigating Team did not warrant calling them and the Commission leaves it to the relevant authority to investigate further.

9.3 RECOMMENDATIONS

(a) There should be greater control on casinos and Gambling Houses to see to it that winnings are genuine before they issue a cheque or any receipt as proof of source of fund for the player. Under no circumstances should a cheque be issued or a receipt given in exchange for the chips purchased just for the purpose of being cashed afterwards. Any breach by any errant employees of the gambling houses in respect of the above should be severely punished and the offender prosecuted with a term of imprisonment together with a hefty fine. If the owners have colluded in the breaches, the licence should be revoked and the persons definitely banned to obtain any gambling permit;

(b) More control in respect of betting at race course to prevent possibility of money laundering with the complicity of corrupt bookies. Punters betting for an amount above Rs5,000 (amount can be reviewed) must pay by cheque. The bookmakers must, in their computerized system which is linked to the MRA, insert the particulars of the punters, the name of the bank and the cheque number. Payment by bookmakers of wins to the punters should be by internet banking which would leave a trail, the more so that Banks have a duty to report to the relevant authority any suspicious transaction. Punters who need cash can resort to the ATM. The bookmakers may also resort to payment by credit or debit cards and get the necessary technical support from the bank and all payments linked to the MRA system;

(c) Banks issuing prepaid cards in foreign currencies must request the client to produce the air ticket and hotel accommodation vouchers and report the matter to the police in the event that the client regularly applies for such prepaid cards;

(d) Foreign currencies are available everywhere be it shops, hotels, guest houses and legislation should be reviewed so that foreign currencies cannot be accepted as legal tender for purchase of goods and services. All payments should be in local currencies and foreigners should go to a bank or to a money changer to change the foreign currencies for local currencies;

(e) Regarding licenced money changers, strict control should be exerted as some are known not to issue receipts;

(f) Strict control should be exercised by the relevant authority on travel agents who practiced the Hawalla system;

(g) Purchase of immoveable property must mandatorily be effected by bank cheque on the day of the signing of the deed drawn in the name of the notary and the notary should be prohibited to use the cloak formula 'of payment out of the sight of the notary'. Regulations must be made to make it an offence for the notary who does not complying with them;

(h) Sale of motor vehicles must always be by cheque and the name of the bank and the cheque number must be inserted in the deed of sale;

(i) The Registrar of Companies must have a closer control and scrutiny on companies and the alarm bell should ring when the same individual is allegedly the sole shareholder of the company or with others who only hold a minority shares and no annual return made;

(j) The relevant authorities to inquire into those counsel who appear for notorious drug traffickers to ascertain how their fees had been paid as knowingly accepting money proceeds of crime from drug traffickers would make them accomplices of laundering money, the more so that there is a freezing order;

(k) Since the notorious drug traffickers are known to have amassed a fortune and they are being looked after by their accomplices or members of the family who are instructed to pay counsel, purchase property, moveables or immoveables, the only way is to hit at their pockets. The Commission recommends the Government to consider seriously to issue a new generation of bank notes in replacement of the current bank notes, especially those of high denomination. This will also compel financiers to exchange their black money.

CHAPTER 10: THE ADEQUACY OF EXISTING LEGISLATION [TOR VII]

10.0 INTRODUCTION

The Commission, before making any recommendations under the present chapter, has first of all carefully scrutinised all depositions and evidence adduced by witnesses and institutions, which evidence has unveiled a series of systemic issues mainly within our drug enforcement agencies and prisons, and which need to be addressed imperatively by Parliament and secondly it has sifted through several pieces of legal literature to only retain some of the best practices from foreign jurisdictions which it has adapted to serve and suit our local context with a view to adopting a holistic approach to the weaknesses identified above.

Consequently, the Commission has made specific recommendations aiming at removing these hurdles, but only in cases when it deems it necessary for the legislator to intervene. The Commission is recommending that a series of amendments be brought to different pieces of legislation and where so required, for new legal provisions to be enacted, to assist the State in effectively and efficiently combatting drug trafficking on all fronts.

The existing legislation under review include namely the Dangerous Drugs Act, the Reform Institutions Act, the Pharmacy Act and the Dangerous Chemicals Act while new legal provisions are called for with a view to setting up new entities such as the National Drug Investigation Commission [Chapter 17C], the Forensic Laboratory Act [*vide* Chapter 12], or the *Juge d'Application des Peines* [Chapter 7]. In addition, some thorny issues have been brought before the Commission by some stakeholders and which may require legal intervention. These include inter alia the legalisation of cannabis, the *re-activation* of section 4(1) of the Constitution which provides for capital punishment although from a strict legal standpoint this section remains a valid constitutional provision which may render the Abolition of Death Penalty Act unconstitutional. Whether there is a need for Mauritius to move towards the legalisation of medical cannabis has also been looked into by the Commission.

10.1 THE DANGEROUS DRUGS ACT [DDA]

Enacted in 2000, the DDA came into force on the 5th December 2001. Since its inception over 16 years ago, the Act underwent only three amendments. The first one was brought in 2011 by inserting a new definition of financial institutions; then in 2013 with the emergence of the new psychotropic drugs (synthetic drugs), to control *Synthetic Cannabinoids* and *Cathinones* and their derivatives amongst others Part II of its First Schedule was amended; and finally in 2015, when drugs such as *Pregbalin* were inserted in the Second Schedule to the Act. The Commission is of the view that the DDA remains a comprehensive and adequate piece of legislation to allow the law enforcement agencies to suppress the supply of illicit drugs under the various Schedules but it requires major amendments to cater for the genuine drug consumer to be treated by an alternative mode out of the Criminal Justice System.

The DDA remains the backbone tool in the war on drugs. It is therefore imperative that the Act caters for the varieties of drugs put on the market by the traffickers and the means used. Since the battle against the drug traffickers has not been won, the situation must be considered akin to one of a state of emergency so that any other laws for the protection of privacy of an individual should be inapplicable as an exception when circumstances, which should be laid down in the law, warrant it. In cases where time is of the essence, any delay

in getting the required information having to obtain authorisation from the Courts might impede the catching of the real culprits red-handed. The law must not hinder this fight but on the contrary be as *avant gardiste* as possible to enable law enforcement to keep pace with the rapidly evolving drug trade and ingenuity of drug traffickers including the financiers.

10.1.1 RECOMMENDATIONS

(a) That the DDA be amended to provide for the setting up of a **National Drug Investigation Commission [NDIC]** along the lines recommended under Chapter 17 C of this report;

(b) That the DDA provides for the setting up of an **Drug Offenders Administrative Panel [NOAP]** to deal with genuine drug abusers, diverting this category of persons from the normal Criminal Justice System to follow a tailor made treatment programme with a view to rehabilitating and facilitating the re-insertion of the individuals into society along the lines proposed under Chapter 17 E;

(c) To delete section 9 of the DDA in relation to a Dangerous Drugs Tribunal inasmuch as this provision has never been implemented and is in the Commissions' view unnecessary as there exists already a Medical and Veterinary Council and the Pharmacy Board empowered to address the relevant issues against errant professionals;

(d) That the DDA be amended to insert and distinguish clearly between different categories of persons inter alia: (i) the occasional consumer found smoking or in possession of small quantities of cannabis; (ii) the addict; (iii) the addict/ peddler; (iv) the peddler; (v) the courier 'mule'; (vi) the trafficker; (vii) the drug financiers . Each category needs to be properly defined and the penalty for each reviewed accordingly;

(i) TRAFFICKER

That the definition of trafficker be revised. Presently section 41 (aggravating factors) of the DDA provides that *a person shall be deemed to be a drug trafficker where the street value of the drugs, the subject matter of the offence, exceeds one million rupees or such other value as may be prescribed.* There is an imperative and urgent need to do away with such a definition based solely on an estimate of the street value of drugs, a variable which is most unsatisfactory.

Criteria such as the purity of the drug, the amount secured, the lifestyle, bank accounts, assets [personal or familial], frequency of travels and destinations, should be factors taken into consideration before a person can be prosecuted as a trafficker.

(ii) FINANCIER

He will suffer the same penalty as the trafficker.

(iii) COURIER 'MULE' DEALER

This category of offender must not be dealt with as a trafficker and the penalty must be less severe. The penalty must not be mandatorily a term of imprisonment together with a fine but left to the discretion of the trial court depending on circumstances.

(iv) DRUG ADDICT; DRUG ADDICT/DEALER

He will be treated like a patient rather than a criminal, the addict being in essence a person has lost all self-control being drug dependant. He will be diverted from the Criminal Justice System to the Drug Offenders Administrative Panel [DOAP] to follow a programme. Failure to successfully complete the programme might lead to him being prosecuted.

(v) OCCASIONAL/ SOCIAL CONSUMERS

Individuals found to be smoking or in possession of a small amount of cannabis [to be quantified] strictly for personal consumption shall no longer be prosecuted but referred to the DOAP. In the event of the individual not complying with the contract with the DOAP, the individual might be dealt with by the Criminal Justice System.

(e) The Commission recommends further that the fine provided for under section 41 (3) of the DDA for the trafficker and financier be increased to Rs10m;

(f) Section 31(1) of the DDA to be amended by deleting and replacing the figure 36 to 72 and the possibility of a further extension of 72 hours by the Court;

(g) Regarding the New Psychoactive Substances; it is recommended that a wider definition be adopted to keep pace with the rapid evolution of 'synthetic drugs' being developed and released on the market and to avoid having resort to frequent amendments of the schedule to the DDA. The Commission recommends that the legislator follows the trend of an increasing number of countries which have evolved towards a neurological approach instead of focusing on the chemical composition/ components of the drug to capture also Analogue Substances mimicking any dangerous drugs as prohibited under the DDA. A Psychoactive Substance' may be defined as 'any substance that is structurally and pharmacologically substantially similar to a controlled drug and which has a stimulant, depressant, or hallucinogenic effect on the central nervous system of a person';

(h) DRUG DRIVING

Section 40(3) of the DDA which stipulates that appropriate measures for the detection testing and verification procedures would be prescribed. The Commission notes that no such provisions had been prescribed and is long overdue. The Commission recommends that the

enforcement authorities should urgently be equipped with appropriate detection test kits to allow testing and officers fully trained;

(i) To provide the definition of precursor or immediate precursor drugs, as follows:

"immediate precursor" meaning a listed substance defined as being the principal compound used, or produced primarily for use, in the manufacture of an illicit drug/ controlled substance; which is an immediate chemical intermediary used or likely to be used in the manufacture of such a drug/controlled substance; and the control of which is necessary to prevent, curtail, or limit the manufacture of such drugs /controlled substance.

(j) To amend section 42 of the DDA to provide that if the offence is committed by a legal practitioner, the penalty shall be a minimum term of 5 years and to a maximum term of 10 years imprisonment;

(k) To provide that the statement given by a person upon arrest for a drug related offence, whether it is a confession or it incriminates other persons, shall always be admissible in a court of law as an exception to the hearsay rule in the event that the "witness" is unavailable at the time of trial because of death or mental or physical impairment or refuses to testify invoking memory loss;

(l) To provide for the admissibility of a statement of an accused party against a co-accused;

(m) To provide that when there is sufficient evidence against a suspect, he is bound to give a statement to refute the allegations and cannot shield behind his right of silence; failing which he is presumed to be guilty. Any facts or matters relied upon as a defence must be given at the time of the investigation to enable the investigator to verify the veracity of those matters. Consequential amendment to be brought to the Constitution;

(n) To amend the DDA to provide that it shall be an offence for any drug offender who although having promised in Court at the time of his trial to cooperate and stand as a witness against a co-accused, refuses to depose at the trial of the co-accused;

(o) To amend the DDA to provide that where there are reasons to believe that a person has swallowed pellets or hidden them in the body cavities, shall undergo an x-ray examination and any refusal shall be an offence;

(m) To amend the DDA to provide that the NDIC may probed into the suitcase of a suspected drug mule by using any electronic equipment, introduce a tracking apparatus, to open the suitcase in the absence of the owner of the suitcase and to provide regulations for video tapimg all the procedure of the search;

10.2 REFORM INSTITUTIONS ACT

The Commission has addressed lengthily and in great depth the chaotic situations that prevail in our prisons. Many weaknesses and loopholes have been identified and recommendations made under Chapter 7. We need not repeat them here but would recommend simply:

(i) the setting up of a new body the '*Juge D'Application des Peines*' with its powers and duties already brushed upon;

(ii) the setting up of 3 different regimes of detention namely Hard, Medium and Soft, each with their own specificities. The JAP will consider in which regime each of the detainees will be placed and any change of regime will depend on the behaviour of the detainees. Each category will be afforded certain privileges. Those in the Soft categories may for example be granted more frequent visits by the family, physical contact during visits, entertainment equipment like radio and television under control, right to cook, leave to spend weekends or for special occasions with the family under conditions and even the right to work outside prison under conditions thus facilitating his future reinsertion into society. Those in the Medium category will have visits at a frequency depending on their conduct, priority to be chosen for more remunerative jobs in prison, time for physical exercise and hobbies, video call to family on special occasions like birthdays, enhanced meals. For the Hard regime, prisoners will be in single cells, with limited visits, limited contacts with other detainees, meals as prescribed in the regulations etc.

(iii) Having in place such a system will provide the detainees with added motivation and incentive to adopt a good conduct and irreproachable attitude. This system will also assist the Prison Administration in maintaining order.

(iv) This will apply to all detainees irrespective of the offences for which they have been convicted. The concept would be that every detainee will need to earn his grading to attain the "Soft" category regime which will comprise of more varied benefits/ privileges ranging from having physical contact during visits, sharing a meal with the family, working in the kitchen, gardening, having additional hobbies, moving into shared typed "residences" within the prison premises; to benefit week-end off to return to the family and eventually having an overnight stay by the spouse; video calls with children on special occasions such as birthdays in order to preserve the family tight etc;

10.3 THE PHARMACY ACT

10.3.1 INTRODUCTION

The Pharmacy Act 1983 [the Act] provides for, amongst others, the control and regulations of the import, manufacture, sales and distribution of pharmaceutical products and the issue of licences to operate pharmacies.

The Dangerous Drugs Act 2000 makes provisions amongst others for the control of dangerous drugs, narcotic, psychotropic substances and precursor chemicals.

10.3.2 THE PHARMACY BOARD

It is the competent authority set up under the Act which is responsible for ensuring control over the pharmacists who are entitled to dispense the controlled psychotropic substances under Schedules II and III of the Dangerous Drugs Act prescribed by a medical practitioner.

10.3.3 ITS FUNCTIONS

The Act provides in its section 4 that the Board may, subject to the approval of the minister-

(a) consider and, if satisfied approve the qualifications of any person wishing to be registered as a pharmacist, assistant pharmacist, pharmacy technician or student;

(b) exercise control over the manufacture, importation, distribution, sale and possession of any drug, poison, dangerous drug and psychotropic substance;

(c) on what appears it to be good cause, take disciplinary action against any pharmacist, assistant pharmacist, pharmacy technician or student;

(d) remove from, or restore to, the register the name of any pharmacist, assistant pharmacist, pharmacy technician or student;

(e) exercise supervision and control over any inspector in the exercise of his functions under the Act;

(f) conduct and appoint examiners for any examination in pharmacy and award diplomas to candidates who succeed at that examination;

(g) grant a licence to any person who wishes to operate any pharmacy;

(h) seek the advice of any committee in respect to any matter relating to the Act; and

(i) take such measures as it thinks fit to ensure the implementation of the Act.

10.3.4 THE PHARMACY COUNCIL

Following the proclamation of the Pharmacy Council Act 2015, the registration of pharmacists and disciplinary actions against pharmacists, which were under the responsibility of the Pharmacy Board, have been entrusted to the Pharmacy Council.

The Commission heard from the Chairperson of the Council that the Code of Practice for pharmacists was in its final stage of preparation. The Commission is aware that Regulations for continuous education have been proclaimed.

Unlike the Pharmacy Act, there is no provision that any decision taken by the Council requires the approval of the Minister and this must be so, as the

decisions to sanction an errant pharmacist must be made by his peers after a fair hearing before the Tribunal.

10.3.5 REGISTERED PHARMACISTS

There are presently about 528 registered Pharmacists in Mauritius and some 384 private pharmacies amongst which 39 are wholesale pharmacies. The Commission was apprised of the surprising fact that only about 40% of pharmacies are actually owned by a professional pharmacist. The larger majority remains under the ownership of non-pharmacists. 75 pharmacists work as locum in private pharmacies.

The Commission has received testimony of the disquieting opaque manner of licencing pharmacies and there is the complaint of the existence of too many pharmacies in some areas making the pharmacists difficult to earn a decent living. Allegation was made that some pharmacies had been giving huge discount which was viewed as suspect when the profit margin of some was less than that.

There have been views from the professionals that pharmacy must be licenced to pharmacists only. Their function is not only to dispense medicine but also to advise the clients unlike non-pharmacists who are there to make money and some of them have several outlets.

The Commission has been informed that it is the Trade and Therapeutic Committee which makes recommendations to the Pharmacy Board. But the challenges faced by the Pharmacy Board, as a regulatory body, were to try to limit the number of pharmacy in the country. Since year 2006, there has been a draft amendment to the Act to review ownership as well as criteria for the granting of licences to operate pharmacies. With the coming into force of the Business Facilitation Act in 2006, the Pharmacy Board, although it felt there was a need for restriction, could not proceed because of different divergent views. Moreover, it is a policy decision to be taken by the Minister. Under the new law, the role of the Minister must be limited only to policy decisions.

10.3.6 PHARMACISTS VULNERABILITY TOWARDS THE OWNERS.

The Commission has been apprised of the fact that at least 60 % of owners of retail pharmacies are non-pharmacists. In certain cases, these owners may possess up to 4 pharmacies. The Commission is of the opinion that in such cases there is a real risk of the businessman owner being driven solely in maximising profits instead of considering professional ethics. Pharmacists in many pharmacies are no more than mere employees who need to adapt and comply with the business directives of the owner.

Very often retail pharmacists, who are not owners of the pharmacies, cannot confirm the actual quantities of psychotropic received as they are not the ones who receive the drugs. Nevertheless, they are accountable for any discrepancy in the dangerous drugs register.

10.3.7 INSPECTION OF PHARMACIES

Section 42 of the Pharmacy Act deals with the inspection of pharmacies and it is carried out by government pharmacists in accordance with the provisions of the Pharmacy Act and the Dangerous Drug Act. The inspector may institute proceedings for any offence under the Act.

There are 340 retail pharmacies and 39 wholesale pharmacies operating in the country. Out of the 500 pharmacists registered in the country, only 37 are employed in the public sector. A figure which is insufficient to, as testified by all the witnesses before the Commission, perform and execute all the duties under the Pharmacy Act and the Dangerous Drug Act. The pharmacists employed by the State provide 100% coverage at the airport, at the seaport and at the parcel post. Some are posted in the hospitals, at the Central Supply Division and at the headquarters for administrative duties.

Consequently, it is humanely impossible to carry an effective inspection of the retail pharmacies, the more so that there is no special unit to carry out that function. This is why the Commission has been told that the inspection is effected twice a year and the Commission has the testimony of the President of the Pharmaceutical Association that the inspection was perfunctory, futile and a waste of time. This is what has been termed the ticking of the mandatory registers that all pharmacists must keep for the various categories of medicine and drugs with coloured pencils. It is simply a physical check of the products on site to see if it tallies with the registers and the prescriptions of the doctors.

Reports of inspections are sent to the Pharmacy Board for appropriate action especially when there has been infringement in the dispensing of controlled dangerous drugs under both the Pharmacy Act and the Dangerous Drugs Act.

Inspections are also carried out with the police and ADSU at their request, when they have information of any illegal transaction taking place in a pharmacy. It seems that it is only when the Pharmacy Board is approached by the ADSU that there is reason to believe that a pharmacy is in breach of the Act that the Pharmacy Board wakes up. Had there been a greater vigilance by the Board, there would have been lesser attempts to dispose of controlled drugs illegally,

10.3.8 NECESSITY OF AN INDEPENDENT INSPECTORATE

The Chairperson of the Pharmacy Council and all those witnesses who have an interest in that profession have mentioned the need of an independent Inspectorate with pharmacists fully trained for that purpose. The Commission finds the proposition to have all its merits and deserves to be seriously considered.

The Commission is of the view that it is within the powers of the Council under section 5 of the Pharmacy Council Act to advise the Minister of the need of such independent body and also in collaboration with the Pharmacy Board to set up that body. Since the Council is entrusted with the power of discipline over the pharmacists, it will require a report to start the investigation and the findings of an independent inspectorate will have all its weight since it will be impartial and there will be no conflict of interest.

10.3.9 THE ROLE OF PHARMACISTS IN MONITORING PRESCRIPTIONS IN PRIVATE PHARMACIES

Any private pharmacists have also a crucial role to play. Being the dispenser of controlled drugs, they have a duty to apply section 19(3)(d) of the Dangerous Drug Act which stipulates '*that every person dispensing dangerous drugs on prescription will report to the Permanent Secretary of any suspected prescription and the repetition of any such prescriptions specially as regards to the quantity of the dangerous drugs prescribed.*'

It is the responsibility of the pharmacists working in a retail pharmacy to report any unusual transaction to the Pharmacy Board. The Commission has not heard from the Director of Pharmaceutical Services of any such breaches from any pharmacists having been reported especially when there has been obvious overprescribing by the medical practitioner of controlled psychotropic substances. On the contrary, the Commission has been told of collusion between certain pharmacists and doctors by some NGOs and individuals who have deposed.

10.3.10 MALPRACTICES

The Commission has received evidence from several stakeholders including the ADSU, former addicts, several NGOs etc. to the effect that there prevails, a malpractice, at the level of many pharmacies around the island, one which consists in an illegal trade in certain substances available in pharmacies. These substances include many of those listed in the Second and Third Schedules to the Dangerous Drugs Act. This illicit traffic carried out by certain pharmacists, in some cases with the connivance of a medical practitioner who often is 'attached' to the pharmacy and fraudulently issue prescriptions to cover for the over the counter sales effected by the pharmacy.

Psychotropic substances for the most are sold over the counter but also overselling of cough syrups, requiring prescription, to persons who are most likely drug abusers. The presence of empty cough syrup bottles in high numbers not far off from certain pharmacies has been reported by some of the witnesses. This again tends to support the reports of non-professional practices. Over-prescription of dangerous drugs by complacent doctors has also been reported by various parties.

The Commission has it from the Director of the Pharmaceutical Services that for the years 2010 to 2014, 9 pharmacies have been closed and their licences revoked and as far as pharmacists are concerned, one has been deregistered permanently and seven suspended for a period of six months to one year depending on the severity of the case and the offence.

For some of them, the offence was for illegal dealings and for others their psychotropic register was not up-to-date. The enquiry revealed that some did not have the required number of prescriptions and in certain cases, there were too many prescriptions, consisting of overlapping of prescriptions by the doctors who gave the prescription mainly related to psychotropic substances. There are two pharmacies under report and proceeding at the Board level has to be processed.

10.3.11 TRAINING AND RESOURCES

The Commission has it from the Director of the Pharmaceutical Services of the need to have training resource, technology and training equipment in order to be able to check the pharmaceutical products. However it is not within the province of the Pharmaceutical Services to analyse the suspected prohibited products which are analysed by the FSL or by the Government Analyst attached to the parent Ministry.

10.3.12 COMPUTERISATION

The Commission has heard from the President of the Pharmaceutical Association that the pharmacists still have to use the archaic method of keeping record of drugs in hardbound register when it was easy to use modern technology in the electronic era. Apparently, it is being considered in the new draft which is in gestation.

10.3.13 DIFFICULTIES ENCOUNTERED

The Commission is sympathetic to the difficulties met by the young pharmacists who are unable to identify the signature of the prescribing doctor. They fear that the prescription might not be genuine and they also apprehend the disobliging remarks of the uncooperative doctors when they tried to reach them on the phone. The Commission has already brushed under the chapter Medical Council of the latter's responsibility to provide to each and every medical practitioner a Medical Practitioner Registration Number which must be on the prescription form with the required information as instructed by Medical Council. Moreover all medical practitioners must provide a specimen signature to be stored in the data base of the Medical Council accessible by any pharmacists.

The Commission is very concerned about the widespread practice of having "non-pharmacists" working alone at certain times of the day or night and these employees are actually dispensing dangerous drugs as well as other medication without being professionals. This will be in breach of the Pharmacy Act and there must be stricter control as that may also be an opportunity of other illegal activities taking place.

The young generation of pharmacists who find it difficult to make ends meet, frown upon the most inelegant and unprofessional practice of certain doctors who direct their patients to certain pharmacies to go to obtain the drugs prescribed and they have suspicion of malpractices.

10.3.14 THE WAY FORWARD

It is being envisaged in the new Pharmacy Act the creation of a National Medicine Regulatory Authority or Agency. The idea is to include all the private business sectors and all regulated trades under one regulatory authority. The purpose is to carry out the full spectrum of drug regulatory activities, to provide regulatory framework for drug regulation such as marketing authorization, provision of drug information and national drug use, quality control testing, adverse drug reaction, pharmacovigilance issues, good manufacturing practice inspections, licensing of manufacturers, wholesalers

and all other distribution channels, enforcement operations, monitoring of drug utilization.

This approach will separate the trade aspect from the profession. The profession is already under the Pharmacy Council Act and all trades in whatever like pharmaceutical product, health supplement, food supplement, ayurvedic medicine will go under another umbrella. The aim is to move away from the Pharmacy Board which is just controlling what pharmacists are doing now to a broader medicine regulatory agency to take into account all the other businesses that are being done in pharmaceutical and related food supplement and health products.

10.3.15 REAL TIME CONTROL

The Commission considers that in this electronic era, use of computer must be resorted to. Routine boring works can be performed unfailingly by the appropriate customized software for the requirements of the Pharmacy Board to which all required information can be stored in a data base and the real time transactions by all pharmacists in the country monitored. The information gathered will facilitate the work of the Inspectorate Unit as well.

The Commission has been informed that the Pharmacy Board now approves the application for the purchase of all drugs and other medicinal products by importers through the computer. The Commission has been informed that out of the 30 importers, only some 5 of them import Schedule II and III drugs.

Consequently, there should not be any difficulty or resistance in implementing the real time tracking system by the importers.

The Centralised System to be put in place will consist of having all importers to scan into the system the bill of lading regarding all imports of controlled drugs under Schedule II and III of the Dangerous Drugs Act together with the Customs clearance certificate and the permit from the Pharmacy Board immediately after taking possession of the consignment. The Customs will notify the Pharmacy Board of the date and time of delivery of the goods. The system will also record all sales whether to wholesalers or to distributors which must be scanned in the system together with the requisitions from the purchasers. Similarly all invoices of sales by the wholesaler or distributors to pharmacies must be scanned in the system together with the requisitions from the pharmacies. Moreover all sales to individuals by the pharmacists must be scanned into the system together with the prescriptions of the doctor.

Besides scanning the documents, those concerned must also fill in the appropriate template as provided by the Pharmacy Board for statistics purposes.

Similarly for the public sector, any prescription by a medical practitioner in hospital, especially at the Brown Sequard Hospital, the pharmacist will be responsible to scan the prescription of the treating doctor in system linked to the Pharmacy Board.

All private clinics must also be linked to the system and it is the responsibility of the pharmacist of the concern to make the input within a reasonable delay after the prescription.

In the event that veterinarians and dentists have to prescribe controlled drugs, they will have to be linked up to the system.

All input of the required information in the data shall be effected not later than 24 hours after collection from the Customs and sales but for the pharmacists, it will be a real time transaction, all documents scanned in at the time of dispensing.

The Commission expects that with the system in place, there will be a better monitoring of all stocks of controlled drugs under Schedule II and III of the Dangerous Drugs Act of all stakeholders and sales effected. The system will also prevent drugs from being stolen from the public health institution. This will also prevent the practice of removing drugs from one outlet to another. The system will also control the over prescribing of dangerous drugs by doctors. Retrieval of information and audit trail of controlled drugs sold will be at the click of the mouse. Regulations must be made to sanction any failure to send in the required information to the central data base.

Any errant pharmacists and medical practitioners caught must be severely dealt with and the ultimate sanction applied if need be.

10.4 RECOMMENDATIONS

(a) The Commission recommends that the Code of Ethics for the pharmacists must be implemented forthwith with the necessary guidelines and sanctions;

(b) The Commission recommends the setting up of an Independent Inspectorate with members to be appointed by the Public Service Commission;

(c) The Commission recommends that a protocol be drawn up in respect of the methodology of inspections and the members of the Inspectorate must receive the adequate training;

(d) The Commission recommends that prospective pharmacists must know all laws relevant to their profession;

(e) The Commission recommends the setting up of the computerisation system for a real time monitoring of controlled drugs under Schedule II and III of the Dangerous Drugs Act and regulations to sanction any non-compliance;

(f) The Commission recommends that all importers, distributors, pharmacists must be connected to the data base and to feed the system as instructed by the Pharmacy Board of all transactions relating to the controlled drugs under Schedule II and III of the Dangerous Drugs Act. Any person who fails to comply with the instructions runs the risk of having his licence or permit revoked and to be prosecuted for breach of Regulations;

(g) The Commission also recommends that the same system must be installed in hospitals and clinics where dangerous drugs are prescribed;

(h) The Commission recommends that the software must be provided by the Pharmacy Board to all stakeholders to be connected to the system free of charge;

(i) The Commission recommends the setting up of a National Medicine Regulatory Authority to regulate the trade;

(j) The Commission recommends that in order to facilitate the work of the pharmacists, the Pharmacy Board in collaboration with the Medical Council must prepare a uniform prescription form with the required information printed on it like the name of the doctor, address, phone number, Medical Business Registration number, name of patient, age, profession and residence, drugs prescribed which prescription will be scanned into the system. The information will be used for statistics purposes by the NDPC.

(k) The Commission recommends that all prescriptions by doctors must be through the template to be provided in the system and the computer generated prescription handed over to the patient. This will avoid the problem of tampering and illegible handwriting. Each doctor will have a computer generated signature with code to identify him.

(l) The Commission recommends that every pharmacy must be a company registered with the Registrar of Companies with the pharmacist holding 55% of the shares and the remaining shared held by others, not necessarily by pharmacists. This will hopefully enable the young pharmacists who have difficulty to get funding and put an end to the question of whether non-pharmacist can hold a pharmacy licence.

10.5 MEDICAL COUNCIL

10.5.1 INTRODUCTION

The Commission has received testimony to the effect that some doctors have been prescribing psychoactive substances not only to drug abusers but also to their patients with the connivance of some pharmacists. Absence of control will create a category of citizen who will have to live forever on psychoactive substances. The Commission is of the view that there must be a standard of practice prepared by the Ministry of Health and Quality of Life to put an end to this practice. Psychoactive substances are very dangerous and if wrongly prescribed would render the patient dependent on them. The Commission is of the view that prescription of psychoactive substance by any general practitioner must be limited in time and dosage. Thereafter, the patient must be referred to a specialist. All medical practitioners must keep statistics of the patients who attended their surgery, their age, gender, profession, the number of years under medication and the type of drugs prescribed and dosage. All statistics must be sent on a regular interval to the Ministry of Health who will then forward them to the NDPC. If Regulations must be made, the Ministry of Health and Quality of Life should have no qualms to legislate and any errant doctor has to be sanctioned. The Commission has considered whether it is not high time to come up with a system of

family doctor who will be paid per patient depending on the treatment given at the end of the month by the State. This will discourage people for any little ailment to queue up in hospital or at the local dispensary, Work will be distributed fairly amongst the doctors who will have ample time to devote to their patients and it is for the treating doctor to refer the patient to the specialist and for the latter to refer the patient to hospital for serious operation.

The Medical Council and the Pharmacy Board must prepare a uniform prescription template and all prescription must be computer generated to prevent forgery and will facilitate the task of the pharmacists who have difficulty with illegible handwritings. Each doctor will be provided with a registration number by the Medical Council at the time of registration which will be used in all prescriptions to identify the doctor, The Computer system will also provide each doctor an electronic signation to affix on the computer generated prescription.

10.5.2 GENERAL RECOMMENDATIONS

10.5.2.1 THE MEDICAL COUNCIL ACT

(i) The Commission recommends that all registered doctors be assigned a Medical Registration Number which is to be used in all correspondence/documents and which shall serve as an identification number;

(ii) It is recommended that all doctors practising in the public as well as in the private sectors abide by the same Standard Treatment Guidelines (STG's) and or protocols in relation to the issue of unwarranted long duration prescriptions of psychoactive drugs and other drugs from the second and third schedules of the DDA, which guidelines/protocols shall be drawn up by the Medical Council;

(iii) The Commission recommends that the Medical Council plays a more active role in safeguarding against over prescription and/or misuse of psychoactive drugs by doctors. It has been observed that doctors in the public and private sector are trained from different countries and have different treating and prescribing pattern;

(v) The Commission recommends that the Medical Council prepares with the help of the Pharmacy Board a uniform prescription template. Prescriptions will be generated by the computer to do away with illegible handwriting and to avoid forgery. It is this computer generated prescription which will be scanned by the pharmacists into the Central Data Base of the Pharmacy Board.

10.6 THE DANGEROUS CHEMICALS

The Ministry of Health and Quality of Life issues licenses for trade regarding dangerous chemicals under the Dangerous Chemical Control Act. Under the latter Act, there is the Dangerous Chemical Control Board which has specific duties but oddly not monitoring and control the sale of the dangerous chemicals. The Pharmacy Board is responsible for issuing permits for the import of precursors under the Dangerous Drugs Act.

It has been widely reported in the press regarding the types, availability, use and misuse of synthetic drugs. It is worth pointing out that, one should differentiate between "proper" synthetic drugs and mixtures. A psychoactive synthetic drug is a substance that has been prepared in laboratory with specific properties and on the other hand mixtures are smoking combinations of several organic and inorganics ingredients, such as tea leaves, cucumber leaves, sprayed with aerosols or acetone and also contain certain powdered illicit synthetic cannabinoids or licit drugs like analgesic, psychotropic, stimulants, hallucinogens and so on.

According to available information from NGO's and patients following treatment at the Harm Reduction Unit of the Ministry of Health and Quality of Life, it has been observed that mixtures are mostly smoked by youngsters and are among the commonest used substance. In fact, about 95% of synthetic drugs sold currently on the Mauritian market are synthetic cannabinoids which are imported from China in powdered form, and dissolved in an organic solvent like acetone or benzene, spread on dried leaves, usually tea leaves and sold as synthetic cannabis to be smoked (usually mixed with tobacco) by youngsters.

The remaining 5% or so of synthetic drugs available on the market are stimulants namely cocaine, crack cocaine, amphetamines, met-amphetamine and hallucinogens like ketamine used mainly by wealthier people in clubs and at rave parties. Synthetic cannabis is sold at about Rs75 per packet which can be made into 3 cigarettes whilst Stimulants and Hallucinogens synthetic drugs are more expensive and may cost at about Rs1000 per dose.

The complications associated with synthetic cannabinoids are mainly acute intoxication and cognitive impairment.

The Commission has evidence that certain specialized equipment is an important prerequisite for the manufacture of synthetic drugs and such equipment is not available in school's laboratory and as such, synthetic drug cannot be prepared in school laboratory.

The possibility that synthetic drug is being prepared in private laboratory could neither be confirmed nor denied in the absence of concrete evidence. However, keeping in mind the availability of resources both in terms of manpower, finance and knowhow, it would not surprise the Commission that synthetic drugs could be manufactured by drug barons in private laboratories in the country. In the event that this possibility could materialize, raw materials called precursors are essential ingredients and the relevant authority must closely monitor the sale of those precursors.

The Commission has been informed that many such ingredients i.e. toluene, hydrochloric acid, benzene and other solvents are readily available in the market. In fact, certain educators giving private tuitions have home based laboratories and can purchase these materials easily, in unlimited amounts, without proper control.

RECOMMENDATIONS

(a) The Commission recommends that the Dangerous Chemicals Control Act (Part VI, Para 18) and the Dangerous Drugs Act should be amended so as to make obligatory the importer, the wholesaler and the retailer to provide a weekly return of all sales records, with identification of quantity, name of purchaser and reasons for such purchase and at the same time flagging any unusual/ unjustified sale to the Dangerous Chemicals Control Board [DCCB] and the Pharmacy Board for strict control of sale of precursors and dangerous chemicals;

(b) The Commission recommends that the relevant authority put in place a centralised data base to monitor in real time the importations and sales of precursors and dangerous chemicals and at the same time to flag to the Dangerous Chemicals Control Board and the Pharmacy Board of the excessive sale to a certain person/company over a certain period of time and the information shared with the NDIC;

(c) The Commission recommends that a mechanism be set up by the Ministry of Commerce to define and control the entry of equipment which could be used for the manufacture of synthetic drugs;

(d) The Commission recommends that the DCCB exercises a stricter control of the sale and storage of these substances;

(e) The Commission recommends that home based laboratories operated by teachers giving private tuition should be licenced and monitored;

10.7 DRUG ABUSE IN EDUCATIONAL INSTITUTIONS

The Commission receives complaints from NGOs of the proliferation of drugs amongst the school children. Rectors/Principals of certain colleges were heard regarding drug problem in their institutions. Official reports pertaining to drug related admission from Ministry of Health and Quality of Life, Police report of the number of arrests and unofficial reports from NGO'S and articles published in the local press have expressed their serious concern regarding the availability, usage of cannabis and synthetic drugs in the school setting and the adverse health impact.

The Commission summoned the concerned stakeholders with a view to assess the situation and come up with certain recommendations to address this issue. The Commission listened to most of the concerned stakeholders, especially the Ministry of Education and Human Resources, Tertiary Education and Scientific Research which is the major actor. Rectors both from private sector and public sector schools, as well as trade unionists from educational institutions of both sides were questioned at large regarding drug problems in the educational sector.

Most of the rectors from both sides denied about any existing drug issues in their institutions, while a few did agree that there existed in fact drug problems, which is a real threat. However, a handful of rectors, both from the private and public institutions, did not deny the indulgence of their students in the use of illicit substances. It was also mentioned that a network exists in certain schools and some traffickers have even rented houses in the vicinity of certain schools to facilitate their illegal activities.

A rector from a private secondary school, situated in the south highlighted an upsurge of drug in his college and mentioned the remedial steps being taken to combat this blight. He emphasized much on the socio-economic aspect of the situation and the dedication and motivation of his staff.

One of the Unions, the UPSEE regrouping some 3700 members, pointed out that the situation is alarming in certain schools and not much is being done by the authorities to address this problem.

The statistics received from Ministry of Education and Human Resources, Tertiary Education and Scientific Research, the PSSA, Religious Education Authorities reveal that only a few students had been caught in possession of, or of smoking and taking drugs. From those figures, if true, will suggest that the problem in school does not seem to be alarming contrary to what NGOs and the press have reported. The Commission wonders if there has been a deliberate under reporting but notes with satisfaction that the rectors have become much more vigilant since the advent of synthetic drugs with the information widely spread in the media and accepted NGOs to address the school children of the danger and consequences of taking synthetic drugs.

The Commission is of the opinion that denial and under-reporting of cases pertaining to drug prevalence by the rectors originated from an endeavour to safeguard the reputation of their institution. Many rectors have informed us of their inability to take action owing to their ignorance of what drugs look like. They fear of wrongly accusing a student with all the consequences that ensue. To justify their inability to contain the situation, they complained of the lack of (i) trained teachers to capture drug problems, (ii) psychologist for rehabilitation, (iii) specialized cell in schools, (iv) protocol and Standard Operating Procedures, (v) statistics, (vi) extra curriculum activities after school hours, (vii) proper infrastructure, Excuses like the indifference of the authority, Police hassles in the event a case is reported, ignorance of the different types of drugs, ignorance of assessing the behavioural changes of the students, have also been advanced.

The Commission also have the complaints of the NGOs of their inability to have access to the state schools to delivery talks on drug issues as the Ministry of Education and Human Resources, Tertiary Education and Scientific Research has refused to give its authorisation. But regarding private secondary school and institutions ran by the religious bodies, the NGOs have no problem to deliver talks for the benefit of the school children and teachers as well.

The GGSTU said that there was no evidence of synthetic drugs being manufactured in the school settings. A chemistry educator of long experience confirmed this fact.

According to him synthetic drug can only be manufactured in highly sophisticated laboratory having the proper equipment, know-how, raw materials and resources. In the same vein, the educator mentioned that "mixtures" can be prepared by the students being given that precursors are available at the laboratory and on the local market.

Since in every college, there is a chemistry laboratory with chemicals such as acids, toluene, benzene and other solvents, which are used in mixtures as well, the rectors must be very vigilant and must not leave it simply to the chemistry teachers to control the chemicals which are mostly handled by attendants. Surprise checks must be carried out.

Members of the religious bodies raised concern regarding the lack of attention of some parents towards their children, due to change in the trend of living, socio-economic reasons obliging both parents work children are left on their own, who in turn resort to all sorts of unpleasant activities. There is a lack of extra-curricular activities as a result of fierce competition to achieve better academic results.

In the absence of proper recording of statistics or survey, it is difficult for the Commission to reach a conclusion about the real state of matters. However, it is worth noting that the drug issue raises serious concern.

The Commission after going through the various testimonies and after deep analysis has been observed that the drug problem in school is real and is the of the opinion that the drug issue is being undermined, not taken seriously as warranted by school authorities and thus not assuming fully its role as the major actor.

The following observations have been made: -

(a) Inadequate sensitization programs;
(b) Lack of mechanism to identify vulnerable students;
(c) Absence of Specialized dedicated cells consisting of Psychologists, Welfare Officers & PTA to deal with drug issues is lacking.

The Commission has been informed that there is currently a sensitization program by the Harm Reduction Unit of the Ministry of Health and Quality of Life in collaboration of the Ministry of Education which is offered to schools.

RECOMMENDATIONS

(a) The Commission recommends that a protocol to be established in each educational institution, drawing a road map to guide the institution how to deal with drug cases, training and sensitization programs;

(b) The Commission recommends a multi-disciplinary approach involving all the concerned Ministries to be adopted rather than working in isolation to curb problem of drugs in schools;

(c) The Commission recommends the recruitment of more psychologists, social workers and welfare officers to provide a wider coverage to the various

educational institutions. Large institution having more than 200 students must employ on a permanent basis a psychologist and a welfare officer;

(d) The Commission recommends that teachers get the necessary training to identify drug issues among students and behaviour change;

(e) The Commission recommends that dedicated Specialized cell comprising of a Psychologist, PTA members, teachers, administrative staff etc. in each educational institution to tackle with cases pertaining to drug, and sensitization campaign against drug;

(f) The Commission recommends that the rectors must profile students with behavioural changes and not marginalize vulnerable students. Those having drug issues must not be dismissed from the colleges or transferred to other colleges. Parents should be notified and the students should be referred to the appropriate institution and NGOs, to receive the necessary treatment and follow-up effected by the school welfare officers and psychologists;

(g) The Commission recommends that inactive parent and teachers association should be scrapped to set up a Parent Council, each Form to elect 2 parents to represent the Forms and they constitute the Council which takes the decisions for all parents who will later be notified;

(h) The Commission recommends the banning of private tuitions to enable children to take part in other activities. Owing to economic reasons, it has been observed that most parents work and return home late, as a result of which children being alone and tend to get involved in many unpleasant experiences. There must be a mandatory after college hours' extra-curricular activities so that students must stay at school and develop certain faculties such as sports, music, art etc. An opportunity for the children to show their hidden talents and be guided by officers from the relevant ministries in the field of their choice. Keeping the children active in healthy activities under professional coaching will wield in the young mind a sense of belonging, fostering a spirit of team building, patriotism and preparing future leaders;

(i) The Commission recommends that CCTV cameras in high risk schools be installed at strategic points to identify irregular activities and to take remedial action to curb them;

(j) The Commission recommends greater supervision and monitoring of chemicals in the college Chemistry laboratories;

(k) The Commission recommends proper reporting of all drug related cases and the creation a data base at the level of the Ministry to be shared with all the stakeholders with a view to harmonize all strategies.

10.8 LEGALISATION/DEPENALISATION OF CANNABIS

10.8.1 INTRODUCTION

"We believe that the only way to see the wood for the trees, or the weed for the smoke, is to be objective." [author unknown]

Legalisation of cannabis has its pros and its cons and both proponents and opponents persist in adopting firm standpoints on the subject, making it an impossible task for them to act together from a clear perspective and adopt a consensual approach or solution. It is for this reason that the Commission will make the recommendations below.

10.8.1.1 STATISTICS

It is accepted worldwide that cannabis remains the most commonly used psychoactive substance under control. The UNODC reported in 2015 that for the year 2013, an estimated 181.8 million people aged between 15 and 64 years have used cannabis for non-medical purposes around the globe and points out that the uncertainty estimates would be between 128.5 and 232.1 million.

The Commission has not received any official figures to depict the numbers and general trends applicable to cannabis smokers over the mainland and the dependant/outer islands. It is understood that to date no studies or surveys have been conducted by the authorities in this regard. One NGO has however put forward the figure of 200,000 cannabis smokers, including occasional as well as compulsive and habitual smokers, but the Commission is not aware of the methodology adopted to reach this figure and can therefore not comment on its veracity.

10.8.1.2 ADOPTING BEST PRACTICES

As highlighted under Chapter 1, cannabis consumption in Mauritius has a socio-cultural as well as religious bearing. It cuts across all social classes, knows no limits of age or sex. Furthermore, every country and even different states within the country is likely to have its own strategies when it comes to the legalisation of cannabis. Roughly half of the American states have legalised cannabis for certain medical uses, a majority would favour legalisation for recreational use. Uruguay has voted in favour of legalisation; Portugal has decriminalised it. An increasing number of countries have liberalised possession laws. Canada, the Netherlands and Israel have in place medical marijuana programmes.

In this respect, the Commission does not propose to recommend the importation of tailor-made solutions from other jurisdictions. However, nothing precludes, and it is even recommended, pending the advent of a 100% made in Mauritius solution, that best practices from overseas be introduced and customised to suit the local needs and specificities.

10.8.1.3 NEED TO RETHINK

The upscaling of drug trafficking, the upsurge in drug consumption and its nefarious and devastating consequences on the lives of the citizen, his family, home and society, the emergence of new types of drugs: the new psychoactive substances have called for the setting up of this Commission of Inquiry on Drugs, 30 years after the 1st Commission of Inquiry on Drug Trafficking.

10.8.1.4 THE WAY FORWARD

The extent of the drug affliction in the country seems to be such that it may now warrant engaging in a national dialogue, one which is open and above party politics and hypocrisy. Whether there is need to legislate in favour of what many refer to as the lesser evil is a question which must be asked. The Commission is of the view that the Mauritian society is not ready as yet to adopt a final stand on whether legalisation should be allowed or not. But at this stage, it is imperative that the door, at the very least, be left open until the Mauritian society is ready to take a firm and national stance on this vexed issue. The National Drug Policy Commission [NDPC] will have a crucial role to play in this respect as it is imperative that accurate and comprehensive statistics be sought, compiled and analysed as a starting point.

10.8.2 GANDIA IN THE LOCAL SCENERY

10.8.2.1 APPEAL AND EASY ACCESS

Cannabis is the most widespread and popular of the dangerous drugs listed in the Dangerous Drugs Act. It is readily available as mostly grown locally and available at a relatively accessible price of about Rs 300 per *pouliah*, the *pouliah* being the nationally accepted unit of measure for the sale of cannabis on the black market. It is noted that cannabis seems to have a certain appeal specially within the younger age groups inasmuch as the famous cannabis leaf proudly displayed by the young as a symbol of various and sometimes even conflicting vindications such as freedom to do what one wishes with one's body, rebellion against prohibitions of dangerous drugs when other harmful drugs like cigarettes and alcohols are legally on the market, and the desire to lead a hippie way of carefree life. But smoking of *gandia* for purely recreational purposes also concerns the older generations as there has been before the Commission depositions from people of varying age, background and social status. One member of the National Assembly, one of the proponents of legalisation of cannabis, came forward and made a case for the legalisation of this drug, the more so that cannabis has various applications uses in the industrial sector.

10.8.2.2 THE LESSER EVIL?

10.8.2.2.1 SYNTHETIC V/S CANNABIS

There is at one end of the spectrum the new psychoactive substances or synthetic drugs made in foreign laboratories and imported into Mauritius and at the other end, the pseudo synthetic drugs composed of substances as varied and difficult to identify as composed of licit but toxic or poisonous substances such as rat poison and insect killers. Both new types of drugs that have emerged have had disastrous consequences for those who consumed. There has been reported several cases of deaths caused by the intake of those new psychoactive substances and or mixtures.

There has been no recorded deaths caused by or linked directly to cannabis intake or *gandia* overdose, whether in Mauritius or in foreign jurisdictions. A fact which in itself may be an irrefutable and compelling argument to legalise it as a necessary but lesser evil to counteract the upsurge of other far more harmful and with irreversible consequences for the person's health and impacts par ricochet on the family and the society.

10.8.2.2.2 OPTING FOR "BIO"

Cannabis is not a chemically engineered substance but is and remains at its roots a plant which has emerged in and out of nature. It is noted that according to section 2 of the Dangerous Drugs Act, *"gandia"* means "*bhang, babzi, siddhi* and all the parts of the plant known as *Cannabis Sativa L* or *Cannabis Indica",* and that there exists locally two different varieties of the cannabis plants.

The Commission will stress once again that in spite of section 7 which provides that for medical and scientific purposes, research can be carried out on cannabis, to date there has been no proper studies conducted on the local cannabis plants by any of our research based departments and institutions to even attempt to establish the THC levels of these two species.

The Commission is of the view that further research must be effected in this regard. It is known that the THC levels in the cannabis may vary and may reach very high concentrations so that it would lead to adverse consequences on the consumer. However, it should be borne in mind that the only possible way to increase the THC level of these plants is by scientific alteration namely through genetic modification albeit that nature can also cause the evolution of the species but which will take a very long time. It has been said in some quarters that increased CO2 and intense heat may cause variance and increase in the THC concentration, which remains to be proved.

In the local context, the Commission has not heard, read or received any evidence suggesting what is the THC potency of the two local varieties or whether they have been "tampered" with, and could therefore be less harmful than other types of drugs, including synthetic drugs, which have been chemically harnessed in laboratories.

10.8.2.2.3 TREAD WITH CAUTION

This path towards the legalisation of cannabis for recreational purposes must however be tread on with exceeding caution. The debate has shifted from a socio-cultural level to a health conscious approach. The focus now is to determine the consequences on a short, medium and long term of THC, the component of cannabis, on essentially the nervous system.

10.8.2.2.4 DELIMITATION/METHODOLOGY

The Commission has listened to the views of the various deponents and has also independently perused the main international literature on the subject. Different proponents have adopted different positions. The present chapter deals exclusively with cannabis and no other drugs, soft or hard. There remains to date a confusion on the terminology used in respect of the word decriminalization, depenalization and legalization, in the mind of the public at large and even to many health, legal professionals or social workers who may be proponents for or against.

The Commission will not enter into the debate of the different terminologies save to state that it will be for the legislator to define those words. The Commission will only stress on the fact that with the paradigm shift it proposes, that for a certain type of offenders, it will be for the Director of Public Prosecutions to direct the Law Enforcement Officers that such cases will not be prosecuted. It may well be in cases of a person arrested for having smoked or having been found in possession of one cigarette containing a minute amount of cannabis. That category of offenders will certainly be brought before the DOAP.

10.8.3 ADVOCACY FOR LEGALISATION

10.8.3.1 HUMAN RIGHTS

Section 1 of the Constitution as already pointed out, states that Mauritius shall be a Sovereign Democratic State and one of the tenets of democracy is that every citizen has basic human rights which are guaranteed by Chapter II of the Constitution, the right to make one own choice as long as they do not cause harm to his neighbour, and so long as there is no evidence that our choices will adversely impact our neighbours. '*La liberté des uns s'arrête là où commence celle des autres*'. It is argued that adopting a strict prohibitionist approach may have the opposite of the expected result especially in the younger age groups, the forbidden fruit being the most appealing.

10.8.3.2 INTERNATIONAL TRENDS

The international trend seems to be moving towards a smoother approach to this soft drug. Canada's Cannabis Act (Bill C-45) received royal assent on 21st June 2018, the functions of which is to protect public health and public safety and, in particular, to protect the health of young persons by restricting their access to cannabis; protect young persons and others from inducements to use cannabis; provide for the licit production of cannabis to reduce illicit activities in relation to cannabis; to deter illicit activities in relation to cannabis through appropriate sanctions and enforcement measures; to reduce the burden on the criminal justice system in relation to cannabis; to provide access to a quality-controlled supply of cannabis; and to enhance public awareness of the health risks associated with cannabis use.

On the 19th January 2014, President Obama said that "*marijuana is less damaging than alcohol* "in terms of the impact on the individual consumer. A poll carried out in 2014, in Texas, one of the most conservative states in the USA show that 49% of Texans support legalisation of marijuana and 77% support the legalisation of medical marijuana.

Proponents of legalisation argue that people who smoke marijuana also pay taxes, love and support their families, and work hard to make a better life for their children. When they are arrested, jailed and treated like criminals only because of their recreational drug of choice, this causes enormous pain, suffering and financial hardship for the families. It also engenders distrust and disrespect for the law and for the criminal justice system overall. Responsible marijuana smokers present no threat or danger to their families and there is no reason to treat them as criminals. It is argued that similar to substances like alcohol or cigarettes, depending on the individual marijuana can be abused.

10.8.3.3 GATEWAY OR DETERRENT FOR HARDER DRUGS?

There is no evidence or studies to show that cannabis if legalised will constitute a gateway drug, leading to harder drugs as the opponents would argue. On the contrary it is likely that cannabis might deter them from trying harder and more detrimental substances. In the same breath as cigarette smokers, a non-smoker will remain a non-smoker, even if cigarettes are licit and readily available. The same applies to cannabis and coupled with the necessary sensitisation campaigns to distinguish between cannabis and the harm of harder drugs, its consumption will only concern a certain percentage of the population who are presently already smoking same, under cover.

10.8.3.4 HEALTH PERSPECTIVE

It is argued by pro-activists that cannabis for recreational use and occasional intake has never been shown conclusively to cause brain damage, genetic damage, or damage the immune system. Unlike alcohol, cannabis does not kill brain cells or induce violent behaviour. Overuse can induce lethargic behaviour, but does not cause serious health problems. It is admitted however that prolonged smoking of cannabis could cause bronchitis or other respiratory health hazards. Cannabis does not seem to impair long-term memory but can cause short-term memory loss presumably only while under the influence of the substance. It is further argued that cannabis does not cause serious health problems like those associated with alcohol or tobacco e.g. liver damage, strong addiction, heart problems, birth defects, emphysema etc. It has been said time and again that there has never been a single human death attributed to a health problem caused by cannabis or from an overdose of cannabis. There seems to be no evidence furthermore of third-party harm being caused by users of cannabis, yet third-party harm is caused by substances such as tobacco and alcohol, both of which are lawful substances.

10.8.3.5 ECONOMIC IMPLICATIONS

Cannabis trafficking in Mauritius definitely interferes with legal economic activity in many different ways, as do other types of crime. The consequences stem largely from the direct and indirect influences of the large amounts of

money generated by the illicit trade, which can be gathered from the exorbitant monetary value attributed to cannabis crops uprooted regularly by the ADSU. Thought must be given as to whether it would not be more economical to legitimise this trade.

Legalising the trade could also render nugatory the trade by traffickers of cannabis and would cut off their wings. It will be up to Government to regulate the trade, to licence cannabis planters and to set standards concerning THC concentrations, to decide where and how the drug will be sold and to set heavy penalties for abuse. The financial means should be directed toward the drug traffickers trading in other types of drugs.

The costs associated with running the prisons and catering for minor drug related offenders caught in possession of a minute amount of cannabis for personal consumption is enormous. Those offenders needlessly crowd the prisons and their stays are fully funded by tax-payers money.

Legalising cannabis would not only save a lot of money, but could also create another income stream for the government in terms of taxes. Furthermore, as expatiated above, developing a regulated hemp industry would be an additional source of revenue for the State coffers.

10.8.3.6 THE RISKS ASSOCIATED WITH CANNABIS USE AND LEGALISATION OF CANNABIS: CALL FOR A HARDER LOOK AT A SOFT DRUG

10.8.3.6.1 THE STAND OF THE WORLD HEALTH ORGANISATION [WHO]

According to the WHO, who has based itself on research conducted over the last two decades, it has been shown that an abuse of cannabis over a prolonged period can lead to developing neurological deficits and psychotic illnesses depending on the age of onset of use, the strength of THC in the cannabis, the frequency of use and duration of use. It has been established in the light of some of these studies that cannabis dependence does exist. Cannabis intoxication could result in some cases in disturbances at the level of consciousness, cognition, perception, and may also affect psychophysiological functions and responses. Users who try to quit cannabis are likely to experience withdrawal symptoms that can include irritability, anxiety, insomnia, appetite disturbance and depression.

It has further been contended that recurrent or daily use in adolescents and young adults is associated in some cases with a variety of negative health and behaviours such as dropping out from school, the risk of moving to other illicit drugs, increased rates of suicidal behaviour. Impairment of cognitive development including associative process, during learning and recall periods have been recognised by part of the scientific world as an effect of cannabis use. Cannabis intake during pregnancy has also been associated with impairment in foetal development leading to a reduced birth weight.

It is apposite to refer to a statement from the former Executive Director of the United Nations Office on Drugs and Crime (UNODC) Antonio Maria Costa

who stated that: "*The debate over drug is no longer about liberty, it's about health. Evidence of the damage to mental health caused by cannabis use- from loss of concentration to paranoia is mounting and cannot be ignored. Emergency-room admissions involving cannabis is rising as is demand for treatment and rehabilitation. It is time to explode the myth of cannabis as a 'soft' drug.*"

Heavy use can also lead to impairment of motor coordination and reaction time, thus cannabis use can increase the risk of road accidents involving drivers under influence.

It is noted that section 40 of the Dangerous Drugs Act already makes it an offence to drive under the influence of dangerous drugs. This provision needs to be strictly enforced irrespective of the stand which may be adopted by the authorities in favour of or against legalisation. However, all of the studies referred to above are from international literature and researches and based on realities which may be different from ours, reinforcing therefore the need to adopt but adapt and to conduct independent reality based studies on a national level.

10.8.3.6.2 ALL ABOUT SENDING THE RIGHT SIGNAL

Mr Raymond Yans, President of the International Narcotics Control Board (INCB): stated that "*Legalization of cannabis would send wrong and confusing signals to youth and society in general, giving false impression that drug abuse might be considered normal and even most disturbingly safe. Such a development could result in the expansion of drug abuse, especially among young people and we must remember that all young people have a right to be protected from drug abuse and drug dependency. The concern with cannabis is not born out of any culture war mentality but out of what science tells us about the effects of drugs.*"

One of the main arguments put forward by the opponents of legalisation is that there will most likely be an increase in the society in cannabis consumption after legalisation based on the fact that this drug would become readily accessible and the price will accordingly drop. It is said also that the most widely used drugs in society are legal ones. In Mauritius, the most commonly used legal substances are cigarettes followed by alcohol and with legalisation, cannabis could become the third most widely used recreational drug.

Though not all consumers of cannabis will experiment with dangerous drug like heroin, yet many of the heroin dependent persons are said to have started with cigarette, alcohol and cannabis, hence the concept of gateway effects.

The consumption of drugs always poses the risk of adding burdens to the public funds. Alcohol for instance pose a major burden of harm to society in terms of its consequences, medical and health hazards, accidents, alcohol related violence, as compared to revenue gained by its taxation. So there is a strong likelihood that same can be applicable if cannabis is to be legalised.

10.8.4 RECOMMENDATIONS

(a) The Commission, in furtherance to Chapter 17E, recommends that the occasional, recreational consumer and the person suffering from addiction be diverted from the criminal justice system and referred to the Drug Offenders Administrative Panel. If a person identified as an occasional user or a drug addict, prosecution can even be suspended. At worst re-offenders will be fined or assigned community service. Prison cells should be kept from overcrowding, and reserved for drug traffickers, dealers and their financiers and in adopting this stance in no way means that the country is condoning or encouraging smoking of weed. It simply means that freedom of the individual as guaranteed under the Constitution is given due consideration; that occasional consumers and regular consumers/addicts who constitute an important percentage of the Mauritian population.

(b) The Commission recommends that the relevant Authority supported by the National Drug Policy Commission launches a dis-passionate debate on this subject, based on empirical evidence, examine in depth the legalisation policies adopted in other jurisdictions while keeping in mind the specificities of the local socio-cultural and religious fabric of society.

(c) The Commission recommends that a study be conducted jointly by the Ministry of Health and Quality of Life and the Ministry of Industry, Commerce, and Consumer Protection together with local research institutes in collaboration with foreign research laboratory of repute:

(i) to determine the properties and THC level of the locally grown cannabis,

(ii) to determine if the local cannabis may be used for medicinal purposes in light of the evolutions noted in certain countries;

(iii) to determine whether the local cannabis is the variety which can be used as hemp for industrial purposes and whether the concentration of THC is relatively low as not to have any psychoactive effect. The industrial hemp can be used for many industries including but not limited to food product, cosmetics, and a variety of commercial items including paper, clothing, textile, bio-degradable plastics, animal feed, paint, insulation, bio fuel.

Bearing in mind that the Dangerous Drugs Act in its section 7 already provides the granting of licence for the cultivation of cannabis for medical, scientific or teaching purposes;

(d) The Commission reiterates what has been said regarding the issue of capital punishment to have a referendum.

10.9 MEDICINAL CANNABIS

10.9.1 INTRODUCTION

The Commission heard from several witnesses the need to authorise the use of cannabis for medicinal purposes buttressed by results of research made in various countries.

Thousands of years ago, the Chinese, Indians and Greeks were using cannabis as a medicine and even in the States, marijuana was cultivated as hemp and cannabis was used in tinctures and extracts until in the 1970s, it was classified as a Schedule I drug namely '*a dangerous substance with no valid medical purpose and a high potential for abuse classified in the same category as heroin*'.

But as more and more people are turning to the drug to treat ailments, there has been a rebirth in the science of cannabis. Research has found that it helps for certain medical conditions and symptoms.

Some 23 states in the USA have legalised cannabis for medicinal use and a large majority of people favours the legalisation of cannabis for recreational use. Many countries are rethinking about it. Portugal has decriminalised while Uruguay has legalised. Canada in the near future is legalising while Israel and the Netherland have medical cannabis programmes.

The big trump card in favour of cannabis is it helps in many ailments. It is an analgesic, an antiemetic, a bronchodilator, an anti-inflammatory and above all, it has never caused death.

Before accepting the weed, to legitimize it, to regulate and to tax it like what is done for cigarette and alcohol, to fill the coffers of the State, the big question which still requires to be answered is what the plant really contains? What is its effect on the brains? What might the chemicals it contains tell how the human neurological system functions?

Science has revealed that the plant contains tetrahydrocannabinol [THC], an active ingredient causing an alteration of the mind, causing the high recreational users crave. It is also known to contain cannabidiol [CBD] which has medicinal use and is not psychoactive. Certain strain is considered to be the treasure trove yet to be discovered for medicine. The chemical manufactured by the body which binds the same receptor in the brain that THC does was isolated. Several other endocannabinoids which interact with specific neurological system like dopamine, endorphins and serotonin have been discovered.

Eminent scientists are not particularly keen to see cannabis for recreational use as cannabis is not an innocuous substance especially for adolescents. Prolonged use of high THC may cause damage to the brain. People have thought that cannabis was a miracle cure for cancer but the eminent research scientist who had been successful in curing cancer on mice nevertheless considered that human beings are not mice and it would be difficult to jump to conclusion without further research. Moreover, he

warned about articles on the trolling on the net with bogus baseless scientific results giving false hope to people in despair.

10.9.2 THE CASE FOR MEDICAL CANNABIS

The use of medical cannabis is very controversial. A number of medical organisations in the world have requested the removal of cannabis from the list of prohibited substance under the laws of their countries. Others such as the American Academy of Pediatrics oppose the legalisation of cannabis for medical use.

Since many varieties of the cannabis plant and plant derivatives all share the same name, the term medical cannabis is ambiguous and can be easily misunderstood. Even in medical circles there are moderate evidence that it helps in chronic pains and muscle spasms or that its use reduces nausea during chemotherapy, improves appetite in HIV/AIDS patients. Other sources on the other hand are of opinion that medical cannabis is somewhat effective in chemotherapy induced nausea and vomiting (CINV) and may be a reasonable option for those who do not improve following preferential treatment. Still from other researches conducted over the last decades, it has emerged that not all cannabinoids present in the cannabis plant are psychoactive. Many have medicinal properties. For example, cannabidiol (CBD) has no psychoactive effects but do have anti-epileptic effects.

On the 25th June 2018, the Food and Drug Administration (FDA) responsible for protecting and promoting public health has approved the use of a cannabidiol (Epidiolex) as an anti-epileptic used in the treatment of two childhood-onset epilepsies in Lennox-Gastaut syndrome and Dravet syndrome.

Comparative studies have found cannabinoids to be more effective than some conventional antiemetic but these are used less frequently because of side effects. The efficacy of cannabis in treating neurological problems, including multiple sclerosis, epilepsy and movement problems is not clear and has produced varying results.

10.9.3 RECOMMENDATIONS

(a) The Commission reiterates what has been stated in recommendation (c) and (d) in relation to the legalisation of Cannabis;

(b) Since the WHO has not yet recognized and recommended the use of cannabis for medical use pending the findings of further in-depth research, the Commission recommends utmost cautious before introducing medical cannabis.

10.10 CAPITAL PUNISHMENT HANG THEM HIGH

Whenever there is a serious horrendous crime splashed in the news, the public starts going down memory lane, flooding the web pages, believing rightly or wrongly the alleged deterrent effect of capital punishment. Everybody has his own opinion backed up with religious beliefs, personal experience and blaming any Government in place of its inability to curb crimes. A senior counsel without batting an eyelid stated clearly: '*Hang them high without*

further ado'. The Commission fully understands the public outcry towards drug proliferation by a serial killer and the devastating effect on the youth of the country.

The reintroduction of death penalty for drug traffickers is indeed a thorny issue which must not be taken with levity having in mind the international obligations of Mauritius, a signatory of the International Convention on Civil and Political Rights which led to the enactment of the Abolition of Death Penalty Act in 1995.

The issue of death penalty for drug offences has been a hotly debated issue in courtrooms and in Parliaments for years in numerous countries. Never before has it received so much attention by member States at the 2016 UNGASS on the World Drug Problem. Many member States have criticised the complete absence of the issue of abolition of death penalty in the final outcome document albeit that the matter was intensely debated over the three-day meeting. It is noteworthy that the Human Rights Committee has authoritatively made clear that drug related offences do not meet the threshold of 'most serious crimes' under Article 6.2 of the International Convention on Civil and Political Rights that defines the legal limits within which capital punishment may be allowed.

The Commission will be loath to recommend the re-introduction of death penalty mainly because of the irreversible nature of the sanction and bearing in mind the possibility of miscarriage of justice in view of the unscientific evidence based approach of the police enquiry and the oft mooted defence of police brutality, duress, promises in extracting confession.

Moreover with regard to foreigners arrested for carrying drugs, those mules are, more often than not, indigents blinded with greed for quick and easy money willingly accepting to cross the Rubicon with uncalculated risks. Those mules under our jurisprudence are part and parcel of the chain of drug dealing and are presumed to be drug traffickers under the law because of the street value of the drugs seized. In reality, those mules are just small fries who have never and will never be able to meet the big boss save the intermediary. The Commission is aware that they are essentially recruited in bars on the African continent by some flamboyant crooks and the mules do not know the names of the contact persons in Mauritius and they will receive instruction where to deliver the drug parcel after the mules have informed the caller that all is clear. It is an issue to be debated dispassionately by the population and for the government to do the needful.

10.10.1 RECOMMENDATION

(a) Mauritius is a sovereign democratic state as provided for under section 1 of the Constitution. The word 'democracy' also connotes that it a government of the people, elected by the people and for people. Section 47(3) of the Constitution provides the holding of a referendum when section 1 and section 57(2) of the Constitution are to be altered. The wish of the people to reintroduce capital punishment does not require the amendment of the Constitution. In our Constitution, section

4(1) still provides that '*no person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted*'. It must be borne in mind that a simple majority is only required to reintroduce death penalty in the country as the provision for death penalty is still very much alive in the Constitution.

The fact that the Constitution does not provide for a referendum for matters falling outside the ambit of section 47(3) of the Constitution, this does not preclude the Government from holding a poll to seek the views of the people on the subject of reintroducing death penalty for drug traffickers whether they are for or against.

(b) If it is the wish of the population to re-introduce death penalty for drug traffickers, the Authority should be wary of its international commitments in relation to the above mentioned conventions.

CHAPTER 11: THE OPERATIONAL EFFECTIVENESS OF THE VARIOUS AGENCIES INVOLVED IN THE FIGHT AGAINST DRUG TRAFFICKING [TOR VIII]

11.0 INTRODUCTION

Besides the ADSU, the special branch of the police force specialised in repression of all form of illicit drugs and the Customs at the border, the other agencies concerned in the detection and repression of drug trafficking is essentially the National Coast Guard and to a lesser extent the ICAC, FIU, Asset Recovery Unit which are more involved in money laundering issue.

11.1 ADSU

The report of the Rault Commission was very critical of the Flying Squad, the then specialised unit of the police force set up to combat drug trafficking. The Squad was blamed in the report as being a corrupt unit with some senior officers who were at the beck and call of notorious traffickers. Those traffickers were well known to the public and to some politicians and they were not scared to come out in the open.

The aftermath of that report was the disbandment of the Flying Squad and the setting up of the present Anti-Drug and Smuggling Unit under the responsibility of a Deputy Commissioner of Police with a strength of 150 personnel, which today has been increased to 342. It was grafted later with two other units, La Police des Jeux and the Anti-Piracy Unit. Its Headquarter, the command centre, is at the Line Barracks where its registry, Intelligence Unit and guardroom are located as well as its exhibit room. Interrogation of suspect is now videotaped.

11.1.1 ORGANISATION OF THE ADSU

Besides Rodrigues and the Airport, the operational officers of the ADSU are posted in four divisions which have in turn been divided into smaller units posted at different police stations under the responsibility of senior officers ranging from ASP to PS, depending on the region. ADSU has as its main objective the suppression of the supply of illicit drugs and to bring the offenders to face sanction. It has a zero tolerance policy in the repression of the supply of illicit drugs. ADSU is very active at the different entry points of illicit drugs and it has to deploy a huge number of officers around the island and its director has expressed the need for additional personnel to cater for an increase demand of manpower, more especially at the main passenger entry point, the airport.

11.1.2 RECRUITMENT

The Commission decided to look into the procedure of recruitment of officers in this specialised unit and more especially the criteria used. The Commission gathers from the Head of the ADSU that there is no selection panel. Names of potential recruits are submitted by ADSU officers to him and after effecting a discreet enquiry into the background of the recruit, his experience on the ground, his investigation skill and the number of years of service, recommends the recruit to the Commissioner of Police The recruit joins the team after undergoing only one week of induction course in the duties of the Unit. The recruit receives training and acquires experience on the job. The absence of specialising training to deal with the new techniques used by

traffickers was felt and there is a request for specialist trainings. Besides in-house training by senior officers, there are opportunities for overseas training provided by friendly countries through scholarship but the manner of selection has been criticised and is a source of frustration amongst disgruntled officers who complained of '*passe droit*' and favouritism. Effort was made to have team building meetings which were not attended by all officers which was a clear indication that there was no solidarity within the Unit.

The Commission considers the selection process totally unsatisfactory as it breeds a system of clique which as the Head of the ADSU has stated that officers work in closely linked teams and thus the difficulty of rotation of officers and the integration of new comers in a team. This practice leads to a complete absence of denunciation of sleazy fellow colleagues. The Commission strongly believes that the selection of recruits must be by a panel following a call for candidature with specific criteria. As the Unit has to investigate into drug trafficking where huge financial interest is at stake and corruption a reality, the recruit to be selected must possess the hallmark of integrity which can only be detected after undergoing a series of psychological tests and must mandatorily put up a declaration of assets at specified intervals and that of his close family.

11.1.3 METHODOLOGY

With its zero tolerance policy to break the importation of illicit drugs through the different points of entry, ADSU relies heavily on its intelligence team in its gathering of information and its analysis to enable profiling. The country having opened its frontier to allow an influx of multitudinous visitors renders the profiling of passengers by guess work inappropriate and ineffective, thus the urge of the Head of the ADSU for the Unit to be provided with the APIS, which will allow the tracking of all the journeys and the countries visited by the passenger before landing in our country. The information allowed the enhancing of the risk assessment exercise, better control and identification of prospective smugglers of illicit drugs.

The Commission has already in an earlier chapter of the report dealt with the methodology of the control by ADSU and the Customs at the points of entry which must be reconsidered as it is obvious that control has been ineffective. The numerous seizures effected around the island by the ADSU are indicative of the failure of the law enforcement agencies to prevent dangerous drugs from getting into the country at the different entry points. The Commission has already opined on the undeniable porosity of the control points, which can either be due to the incompetence of the officers or that the officers are corrupt. The criticism of the public and certain social workers on the role of the law enforcement agencies in the proliferation of illicit drugs on the streets should have been a wake-up call and a resounding alarm bell for the authorities concerned to probe into seriously the probity of the officers and to review the failing strategy.

The systematic arrest of small fries coupled with the relative success of the controlled delivery exercise to lay hands on the local consignees should have been a cause of concern that the strategy did not pay. So long as the real drug traffickers have not been arrested, there will be a continuous flow of mules with changing strategy to beat the vigilance of the law enforcement agencies.

The semblance of cooperation between the ADSU and the Customs is also a cause of great concern. Although the Customs is at the forefront at the frontier to control passengers and goods for revenue purposes and incidentally to prevent importation of prohibited or restricted goods, it is trying to take the lead role in the investigation of drug trafficking, investing heavily in manpower and equipment, when there is already a specialised unit in the police force dedicated for that purpose and to whom all drug cases should be referred. The Commission has already made comments on this matter.

11.1.4 TOOLS AVAILABLE FOR INVESTIGATION NOT USED BY ADSU

Incommunicado procedure, a very useful tool in the hands of the investigation team, was, for reasons best known to the ADSU, never used until recently for the first time in the huge importation of heroin. Moreover, another useful tool at the disposal of the investigation team to enable it to gather information and intelligence at the initial stage of surveillance of suspected drug trafficker was hardly resorted to. The Commission was informed that the application to the Judge in Chambers for authorisation to tap telephone communication was not used because the Order was not given expeditiously by the Judge in Chambers resulting in missed opportunity. The Commission considers that the ADSU was ill-advised as to the purport of section 56 of the Dangerous Drugs Act which authorised telephone taping for a period of 6 months if the Judge is satisfied by information under oath that there is reasonable ground to suspect that an offence under specified sections has been or is likely to be committed. The Commission understands that the complaint was in respect of offence already committed and if there was urgency, it would have been the duty of the State Law Officer to impress upon the Judge. The Commission is aware that for an application to obtain the itemised bills from the telephony service provider, the order is given promptly. Indeed if there was unconscionable delay, it would have been the duty of the Director of Public Prosecutions to iron out the matter with the Chief Justice.

11.1.5 ABSENCE OF REWARD FUND

The Commission was informed that there used to be a reward fund put at the disposal of the investigating and intelligence officers to pay their informers and which had been scrapped. The ADSU relies on informers to get information and those informers do not work for free. in the absence of a reward fund, the investigating officers find it difficult to obtain cogent information. The Commission was told that the officers had to pay from their pocket their informers and hopefully, if they succeeded to obtain a conviction in a case, to recoup the 'investment' from the reward money. The Commission is sympathetic to the request of reinstating the reward fund and recommends accordingly.

11.1.6 REWARD MONEY

For each cannabis plant uprooted, the Commission was told that the officers were paid Rs5 per plant and there was a request to have it increased to Rs10. The Commission does not believe in a reward system and certainly not as it is actually being practiced and implemented, which is most unfair. The duties of officers of the ADSU are to arrest, investigate, and bring the offenders to face retribution which are not different from the work of the other units of the police force. They have been paid to do that job and they also receive a risk allowance. The Commission is told that for every

successful conviction, the team is given a reward which the officers share amongst themselves on an agreed ratio. The system forgets those who perform office work or those in the intelligence unit. The Commission understands that it is left to the goodwill of the team to share with the officers in the administration or not. This method creates a sense of frustration and apparently the team posted at the Airport gets the lion share as it is the entry point of regular illicit drug of high street value. The Commission is more favourable to a system where all the officers whose duties carry a higher risk to be covered by an insurance policy on top of whatever scheme of compensation provided by the authority in case of death on duty for all officers. This will be fairer, transparent and will not be a source of jealousy. Whatever amount they may get as reward, certainly the traffickers can offer more. Reward money is therefore a dangerous double edge knife.

11.1.7 EQUIPMENT

The Commission hears with dismay of the absence of essential tools to enable the officers to perform and to bring results. It is really ridiculous that not all officers are provided with the basic communication equipment and access to internet to keep in contact but they have to use their private mobile phone albeit that they are provided with sim cards. The whole team including that of Rodrigues share a fleet of 95 vehicles. The Commission wonders if their vehicles can beat what the traffickers provide to their acolytes and dealers for the latter move with powerful motorcycle, 4x4 and cars. The Head of the ADSU has pleaded for the need of state of the art electronic devices to be able to track traffickers.

11.1.8 DRUGS SEIZURE

The seizure effected by ADSU had already been referred to above and there is no need to repeat it.

11.1.9 MISGIVINGS

The Commission has noted the many misgivings of the ADSU despite its numerous arrests lately. From testimony received, there has been complaint that some officers are behaving like condottiere and some members from two units were questioned to give explanation regarding cash deposits in their accounts. An officer from ADSU admitted that there is jealousy and backbiting amongst the different teams. Suspects called mentioned witnessing some of the officers substituting drugs and put them on sale. The DPP informed the Commission of tampering with exhibits and the difficulty of pinpointing the culprit as the exhibits had been under the custody of so many officers at time of handing over.

There is a semblance of cooperation with the Customs and instead of working together, the Commission has concluded that there was a complete absence of trust between the two agencies and information was only given by instalment when requested. The Customs made it clear, showing its frustration before the Commission, that although most of seizures were effected by it, it was put on the touch line and the ADSU got all the credit. The Commission understands why the Customs now wishes to have training in investigation, has spent a lot on equipment and for the purchase of sniffer dogs when its main duty is collecting revenue and when it comes to drugs and even smuggling, there is the specialised ADSU for the job.

11.1.10 RECOMMENDATIONS

The Commission in a later chapter has recommended the disbanding of the present unit and that of the Customs Anti-Narcotics Unit for reasons expatiated therein to come up with a new National Drug Investigation Commission headed by a chairperson having legal background.

11.2 POLICE DOG UNIT

Out of a pool of 54 dogs, the police has 18 drug sniffer dogs but none could detect synthetic drugs, subutex, morphine, opium, LSD or mobiles. The officer in charge recognised the need for better training of the dogs and the difficulty in not having recent drugs seized for their training. The Commission visited the Police dog unit and was not impressed by the performance of some of the dogs. The Commission also visited the Customs K9 unit but did not assist in any demonstration.

11.2.1 RECOMMENDATIONS

(a) The Commission recommends that the number of sniffer dogs must be increased in view of the fact that a dog cannot perform for more than 20 minutes. At the airport, in view of the increasing number of flights, more dogs are required not only when luggage are removed from the container and placed on the conveyor belt on their way to the scanners but most importantly, as a deterrent, at the concourse where passengers collect their luggage before going through customs or not. Sniffer dogs are also needed at the other points of entry and some needed when a search is being carried out.

(b) The dogs must be trained to detect all types of drugs albeit that there must be dogs able to detect explosives and currencies.

11.3 CUSTOMS

11.3.1 PRIMARY RESPONSIBILITY

The role of the Customs at the points of entry is clearly stated under the Customs Act [the Act]. It controls the clearance and release of goods and collects whatever taxes imposed by law. Section 125 of the Act has provided general powers to the Director General '*to enforce customs law and any other enactment in so far as import or export of goods is concerned including the power to question, to detain and search passengers and to search their luggage and goods*'.

This power can be enforced anywhere in Mauritius. In so far as import or export of goods is concerned with the assistance of the police. Moreover this power is exercised '*where the amount of currency or bearer negotiable instruments may involve money laundering or the financing of terrorism*'.

Power to examine all goods at the owner's cost is also provided under section 127 of the Act. The examination '*may include the physical or chemical testing of, the drilling into, or the dismantling of, the goods and maybe facilitated by any means including the use of chemical substances, detector dogs, x-ray scanning or other imaging , or other mechanical, electrical or electronic device.*'

Under section 128 of the Act empowers the Customs to board and search aircraft and ship and to secure any goods. Moreover under section 132 of the Act, '*Where any officer has reasonable cause to believe that any person is unlawfully carrying, whether concealed or secreted about his person or not, any goods subject to the control of Customs or any prohibited goods, that officer may detain and search the suspected person.*'

More importantly, under section 151 of the Act, '*All dangerous drugs specified in the Dangerous Drugs Act 1986 (sic), which are unlawfully imported or unlawfully in the possession of any person'* can be seized.

It is an offence to import any prohibited or restricted goods as well as the conveyance or possession of any smuggled goods, prohibited goods or restricted goods.

It is in the light of the various sections of the law that the Customs considers itself as the master of the control of cross-border crossing.

11.3.2 USURPING PREROGATIVE OF ADSU

Even if cannabis is found in the forest, Customs considers that it is empowered to effect arrest. This is so because it can track anything prohibited, restricted or on which duty and taxes have not been paid.

The Commission does not think that it is its role. It is clear that when Customs intercepts drugs at the entry points, it seizes the drugs and after formal procedure, it is bound to hand the drugs over to ADSU for enquiry and investigation. Its role ends there and the specialised squad police takes over despite the fact that it cooperates with ADSU at the airport, port and parcel post, and share with it information and intelligence.

11.3.3 PERSONNEL

Consequently to fulfil those duties more especially in relation to tracking of smuggling of illicit drugs, Customs has 43 personnel at its Port Louis Surveillance Unit and 18 at the airport. It has for that purpose a Risk Management Section applying the international Risk Management Techniques as provided for under section 25A of the Act.

11.3.4 VOLUME OF CONTAINER ARRIVING IN THE PORT

The Commission has it from the responsible officer that in the Port, there are some 300,000 plus containers arriving per year while at the Airport, there are some 1.3m passengers arriving per year which render it impossible to check each and every container and passenger. The risk profiling techniques is applied taking into consideration the countries, the route and the persons importing. Consequently there is a balance between trade facilitation and control. After the Risk Management team has identified a suspicious consignment or a suspected passenger, detailed check is carried out accordingly. However empty containers were not scanned.

Together with ADSU and NCG, the Customs carry out rummage of aircrafts and ships based on prior risk analysis from information and intelligence gathered and shared with ADSU. Some 24 hours prior to the arrival of the ships as provided by customs law, the Customs is in possession of the manifest indicating a summary of everything that is there in the ships, what cargo would be landed and those on transit.

11.3.5 SECURITY AND PROFILING

CCTV cameras cover both the airport and the port areas and they are useful tools to Customs to identify the passengers profiled and who are those persons present in the public arrival concourse coming to pick them.

Drugs risk profiling is based upon previous cases, on information available from internal and external sources, the identification of cargo, the means of transport and frequency of the persons doing cross border going in and out of country.

11.3.6 URGENT NECESSITY OF PASSENGER TRACKING SYSTEM [APIS]

Whether a passenger, luggage, cargo or craft is risky, a risk management is done before the arrival of the passenger from the advanced list of passengers. Matters considered are the previous history of that passenger, how many times he had travelled, but in the absence of the Advanced Passenger Information System [APIS], it is not feasible to know the passenger, routing, the country visited and which airline boarded. Apparently request for such a system had been made and the matter considered favourably by the authority which will greatly facilitate the profiling of passengers. Even though all luggage are scanned, the risk profiling applies to identify passengers to be questioned and their luggage searched.

The Commission learnt that flight from Dubai bringing some 550 passengers on its A380 craft, considered to be a risky route, after profiling, not more than 10 passengers were thoroughly searched and the Commission considers that 1.8% of passengers checked is on the low side having regard to the amount of drug seized by the ADSU in the country.

11.3.7 SNIFFER DOGS-UNSATISFACTORY CHECKING

Although Customs uses six sniffer dogs specialised in drugs at the spot where the luggage are loaded on the conveyor belt, the Commission was not satisfied with the manner the dogs were used, pressed by the trainer to move quickly on the conveyor belt, and obviously not giving them sufficient time to do their job. No sniffer dogs were seen in the arrival hall near the conveyor belt where passengers were waiting to pick up their luggage. The Commission pointed out the deterrent effect of the presence of sniffer dogs in the arrival hall and while walking amongst the passengers, opportunity is given to the dogs to pick out passengers carrying drugs either in their handbags or hidden on their person, thus indicating to the trainers suspicious passengers.

The same procedure of risk management is applied to courier arriving at PATS with Customs receiving the manifest of the cargo. For parcels destined for the Parcel Post Office, Customs receives in advance the manifest and with ADSU a risk analysis is carried out prior to action to be taken after scanning and canine drug sniffing test. The

risk factors taken into consideration consist of information regarding the sender whether there is the name and address or P.O.B number.

11.3.8 COOPERATION WITH OTHER ENTITIES

Regarding Pharmaceutical products, Customs has the help of a government pharmacists and Customs has an advanced notice from the import permit the product authorised and the quantity.

Under the FIAMLA, Customs has a MOU with FIU for exchange of information as customs is an investigating body for money laundering as well albeit that Customs has no experience in money laundering investigation.

11.3.9 DRUG DETECTION TOOLS AVAILABLE TO CUSTOMS

The Customs has indicated to the Commission that it has a panoply of tools to detect drugs namely handheld trace detector, desktop trace detector, fiberscope, buster, scanner and drug identification kit. Whenever, the test is positive, the passenger is handed to ADSU for enquiry.

11.3.10 SEIZURES

The Customs has provided information regarding seizure of drugs for the year 2013 with 3 seizures which shoots up to 18 in 2014 and drops to 11 in 2015. The statistics of drug seized from 2013 to 2015 together with their street value in respect of all types of drugs and with cannabinoid, the synthetic drugs becoming a big issue.

11.3.11 TAKING CREDIT

The MRA Staff Association informs the Commission that despite the fact that 90% of the seizure of drugs was effected by the Customs, it is unfair that the credit goes to the police. The Commission notes that will be the case in view of the role of the Customs being in the front line of any border crossing of passengers, luggage and goods.

11.3.12 REQUEST OF THE MRA ASSOCIATION

The Association opines that Customs lack resources namely personnel, modern equipment and tracking tools to be able to be more visible despite the fact that small a joint drug unit in the Port dealing exclusively with anti-drug trafficking which was afterwards merged into the Surveillance and Enforcement Section consisting of equal number of customs and police officers.

The Association wishes to have an independent drug unit within its midst reporting to the Director General with powers of investigation, with appropriate training and powers to prosecute. Actually, customs officers have no proper training to identify drugs save for those who had the opportunity to be coached by the police. With Rodrigues opening to international flight, there is a need for the Customs to have a drug unit at Plaine Corail.

The Association requests that the Customs be given the means to patrol the coast to check yachts and boats to prevent drug trafficking. Moreover, the system of reward be reintroduced to enable paying informers.

The Association notes with concern that there is no Customs control in the Freeport as well at the Caudan Marina which are gaps for entry of illicit drugs and other prohibited articles. Many of the suggestions to enhance the work of the officers had been brushed already by another officer before the Commission. No doubt there are good practices mentioned like collecting data for profiling of individual passengers or consignees.

The percentage of containers scanned at the port is low in view of the capacity of the scanner. In 2014 out of 550,000 containers only 35,000 were scanned. It is worst at the airport with only 10 officers checking the huge flow of passengers and their luggage. Much has been said about the need for more staff to be able to service the Airport, the Port, the Parcel Post Office and PATS.

11.3.13 COMPLAINTS OF CUSTOMS

The Customs' complaints and requests:

(i) that it was not involved in the investigation save for the officer who discovered the drug whose participation is limited to its sealing and transmission of the sealed parcel to the FSL for analysis which would be under the custody of the ADSU;

(ii) of the delay taken by the FSL to report its finding which prompted it to request having its own laboratory to carrying out the test;

(iii) of the absence of a body scanner to detect drugs hidden in the body cavity;

(iv) of the hassle to get an order from the magistrate before taking the suspect to hospital for x-ray which is time consuming and which delays investigation;

(v) of the absence of a marine tracking system to monitor small boats in the economic zone;

(vi) of the absence of power to tap communication;

(vii) of the need of a new scanner at the port to scanner containers;

(viii) of the need of drone to monitor the port area despite the presence of CCTV cameras which are insufficient;

(ix) of arming the customs;

(x) of the need to have at least 5 more boats as the fees claimed by the NCG was exorbitant;

(xi) of allowing it to obtain drugs from exhibits forfeited by the court for the training of the dogs as the sample it has with time becomes useless.

11.3.14 APPRAISAL

The Commission has viewed with much concern the role which the Customs is assuming, slowing having its anti-drug squad and its proposed future action

trying to have a lead role in the fight against drug when the Customs Act empowers it essentially to levy the different taxes under the various customs law and incidentally because it is in charge of the border control to stop entry of prohibited and restricted goods. That does not mean it should invest heavily in matters for which the State has ever since the report of the Rault Commission created a special unit within the police force not only to fight against drug but also in respect of smuggling. Despite what had been said about working hand in hand with the ADSU, the Commission has a feeling that there is no genuine cooperation and or exchange of information as the Association has requested the Commission to recommend that ADSU shares information.

11.3.15 RECOMMENDATIONS

(a) The Commission does not find it feasible and a waste of public fund to allow the Customs to have its own laboratory to analyse suspected substance, to have its own prosecution unit amongst others as other stakeholders are already doing the work.

(b) The Commission after hearing the responsible officers of the two agencies has, after anxious consideration, come up with the recommendation of revamping the actual anti-drug agencies to set up a new body as will be expatiated later.

11.4 NATIONAL COAST GUARD

The National Coast Guard is a specialised unit of the police force, comprising of 1100 officers. It is divided into different sections for specific assignments, with its HQ in Les Salines and its duties are set out under the National Coast Guard Act consisting essentially in the law enforcement and security of the State in the Mauritius Maritime Zones which comprise the territorial waters and the Exclusive Economic Zone. It is an essential ally of the ADSU in its role of detecting and preventing any illegal activities at sea more specially for boarding and rummaging of ships either at high seas or in the harbour. It has its training school at Le Chaland.

11.4.1 MARINE AND AIR SQUADRON

Besides having a Marine Squadron, it is also supported by an Air Squadron comprising of 3 aircrafts used for the surveillance at sea and for searches. The Marine Squadron is based at the harbour with five ships, some for inshore patrolling of the coast. The two bigger vessels are offshore patrol vessels destined for seaward defence and they have the capacity of going up to the outer islands and further to India and Australia. The NCG has 3 inshore patrol vessels meant to patrol around the island besides having numerous small boats for patrolling inside the lagoon.

11.4.2 DEPLOYMENT OF UNITS

The NCG has been divided into four areas, each responsible for the 21 outposts around the island including Rodrigues and the outer islands. Each post has a strength of 20 to 25 officers. The NCG has a commando unit specialized in carrying out anti-piracy operations and they are also used for boarding operations at sea. Moreover, it

has its specialized Diving Unit. The NCG fleet also has mission to rescue persons stranded or to search for vessel and occupants lost at sea supported by its Air Squadron.

Regarding drug trafficking by sea, emphasis is laid in the port area where the NCG Harbour Security Team is posted and it is called upon for boarding of ships coming to the harbour and it is co-opted by ADSU for rummaging of ships for drugs and contraband articles like weapons. As one of its main duties is the surveillance at sea, from intelligence received from ADSU, the NCG pays attention to drug package dropped at sea for collection and also to suspected vessel carrying drugs.

11.4.3 RADAR SURVEILLANCE SYSTEM

Since 2011, the NCG has acquired a coastal radar surveillance system with a chain of 5 radars on the mainland and 3 in the outer islands and they provide information to the NCG Operational Command Room at Fort William which is where the surveillance of the sea is carried out.

All ships under the International Maritime Organisation Regulations must be fitted with an Automatic Identification System [AIS] which provides the basic data of the ship and its position through the satellite under the VUHF, the satellite based range. This enables the NCG from its operation room to know the position and identification of all ships be it merchant or fishing vessels in the harbour and around Mauritius.

Ships and aircrafts are sent to the zone identified to ascertain what is seen on the radar tallies on the ground and if a vessel is not transmitting through its AIS, that ship is boarded to find out the reason of its presence. The coastal radar surveillance network can pick up any vessel from a distance of 30-40 nautical miles but which is inadequate and reliance is placed on the satellite image information provided by friendly States which is compared to the local system of the positioning of vessels in Mauritian Maritime Zone before vessels and aircraft are sent to the zone for physical inspection.

11.4.4 INABILITY TO TRACK SMALL FISHING BOATS

Regarding the numerous small vessels of less than 12 meters long which are basically pleasure crafts and fishing boats found around the island, depending on its categorisation, they may or may not require to have an AIS. Patrolling is on a daily basis usually by one ship while the outer posts carry out their daily surveillance inside the lagoon and the high seas are patrolled by the bigger vessels and the aircrafts. The NCG would be acquiring some 10 fast interceptor boats as well as two new ships of 55 meters long and an aircraft.

11.4.5 TRANSHIPMENT OF DRUGS ON THE HIGH SEAS

The NCG is aware of transhipment of drugs from the high seas to smaller vessels or picking up of parcels from the sea dropped by vessels on their way to other countries. The NCG had been regularly carrying out operations for drugs regarding fishermen and pleasure crafts on a monthly basis either on planned operation or on spontaneous surprise operation.

The NCG is very conscious and is much concerned about people who went in small boats, the pirogue type or pleasure craft capable of going on the high seas effecting *rendez vous* with large vessel transiting in the vicinity of Mauritius or to pick up parcels dropped at sea. A Flying Squad has been set up to keep check and to monitor those vessels.

The NCG is conscious of the fact that because of the vast coast land, drug can be landed anywhere where the small crafts can have access in any of the 78 passes around the island. However, the NCG has identified the sensitive passes frequently used and it has prioritized its surveillance in those areas, the more so that the NCG posts are found in the vicinity of those passes. Because of the coral barrier around the island, no foreigner without knowledge of the natural passes would be able to reach the coast and any attempt would finish by stranding on the reef. At night it would be worst as the passes were not lit.

11.4.6 DIFFICULTIES MET IN THE PORT

In the Port, it is humanly impossible to search a ship in the absence of information in view of the numerous possible hideouts. It is not impossible for small packages to be hidden and picked up by people who would walk out without any suspicion or dropped at sea to be picked up by the small craft roaming around the vessels.

The NCG has record of a case where the pleasure craft which was registered in the name of a person was transferred to another person who pretended, when accosted by the NCG, that he was having a trial of the boat after having travelled more than hundred miles out at sea and only returning after a few days. When questioned, the explanation was that there was a problem at sea which was never reported as he thought he could fix the problem. The NCG has that person in its radar as it suspected the person of having done something illegal but it had no evidence. Some six months later the same boat was found in another region stranded at sea because of lack of fuel. The NCG helped to tow the boat back to the Harbour and referred it to ADSU for investigation and from enquiry, the boat had been to Reunion Island. In the absence of evidence, no prosecution could be laid against the owner.

11.4.7 POOR RECORD

According to the NCG's record, the statistic of catch of illegal activity had been poor because of absence of evidence. No drug could be found as on seeing the NCG approaching, all incrimination articles would be dumped at sea. Or if a parcel had been found, the ingenious reply would be that it was picked up at sea with the intention of remitting it to the police once ashore. Consequently, the NCG recognises the necessity of gathering intelligence and it relies greatly on the ADSU.

11.4.8 MONITORING METHODOLOGY

The NCG has a very odd way of controlling crafts even if on occasions, the inshore patrols are anchored in certain areas to carry night check. Apparently all posts, according to the Standard of Practice, would carry a daily siting of crafts at night and which is checked the next morning. The Commission considers this to be a very simplistic method which does not give any clue of the activities of the crafts, their movements and moreover no information of their destination. Only foreign crafts before leaving the country must call at the harbour for immigration procedure but this

did not apply to crafts owned by locals registered by the Tourism Authority. Fortunately those crafts, according to the licence granted by the Tourism Authority must be equipped with an AIS which would enable the NCG from its operation room to control their movements. There is certainly a gap in the system of surveillance which the Commission has considered when making its recommendation.

11.4.9 ABSOLUTE NECESSITY TO MONITER PLEASURE CRAFTS

According to the NCG, since there is no control of the movements of the yachts, speedboats or catamarans, the creation of marinas around the island manned by the NCG would be a positive step in controlling the movements of those crafts which have the capacity of going to Madagascar or Reunion Island. Both the Port Master and the Commander of the NCG are of the view that it is feasible to build marinas around the island for those powerful crafts to be moored and their movements kept under control of the NCG. Many spots have been identified by the Commander as being places convenient for constructing marinas.

11.4.10 SURVEILLANCE IN RODRIGUES

The Commission visited the NCG surveillance post in Rodrigues but noted with much concern that the surveillance system was out of order because of breakdown for more than two weeks and the necessary repairs not given priority. The Commission considers that finance should not be an obstacle in the fight against the drug trafficking and that priority must be given for the surveillance of the sea around Rodrigues as many yachts do call to Rodrigues.

11.4.11 INEFFECTIVE SURVEILLANCE

Despite the assurance of the NCG that every effort is made to prevent drugs from entering the country through the sea route, still speed boats or yachts had been used to bring drugs. While the Commission was sitting, there had been arrest of a group of Mauritians with drugs in their yachts. Information received from the ADSU is that the said vessel left Mauritius to collect a cargo of drug and on its return journey was stopped by the authority in Reunion Island. The Commission is of the view that despite the vigilance of the NCG on the seaward side, traffickers still manage to get drugs into the country which is conclusive that the actual surveillance is not effective. Moreover, its movement has not been captured by the radar.

11.4.12 RECOMMENDATIONS

(a) The Commission recommends that NCG must review its surveillance methodology to plug every possible loophole, to tighten security and better monitoring of all crafts around the island. The NCG fleet whether in the lagoon or on the high seas must be conspicuous and surprise checks effected on all suspicious crafts on the high seas;

(b) The NCG, although its essential role is to protect the security of the State from any aggression coming from the sea, is the only unit equipped with boats capable of going on the high seas and it must be in constant liaison with the Drug Enforcement Agency to prevent the infiltration of drugs. To enable the NCG to be able to detect the presence of drugs on crafts, the NCG must have sniffer dogs to accompany the unit as well as a kit to

enable a preliminary analysis of sample of suspicious substance on the spot. The Commission recommends accordingly;

(c) The NCG must collect all data and mapped out areas where surveillance must be tightened as it is aware from information and intelligence obtained from the Drug Enforcement Agency, the routes taken by the high speed crafts to go to Reunion Island and/or Madagascar. All such crafts must be systematically searched and all relevant data like the name of the craft, registration number, name of skippers and passengers, destination, purpose, quantity of fuel on board and expected date of return uploaded in the a central data base to be shared with the Drug Enforcement Agency. The Commission recommends accordingly;

(d) Since aeroplane having to land in Mauritius must follow a dedicated air lane, the Commission recommends the creation of a sea lane which all vessels coming to Port Louis Harbour must take. In the first place, it will facilitate the tracking of all vessels heading for Port Louis Harbour by the NCG and its offshore patrol vessels can be easily positioned along that dedicated lane for better surveillance. The creation of such a lane is feasible according to the Commander of the NCG and the Port Master. Regulations must be made to penalise vessels which fail to use the lane;

(e) In the Port area, the Commission recommends that a lane be created for the small commercial crafts which must mandatorily take that route to leave the crew from ships to the landing terminal and to return them on board. The NCG must exercise strict robust surveillance and to ascertain that no boat, having no business, roaming around the ships;

(f) The Commission recommends that the NCG must prohibit the presence of any small boats in the vicinity of the container terminal or passenger terminal in collaboration with the Harbour police.

(g) The Commission recommends that CCTV cameras be upgraded by the relevant authority concern to capture activities around the port area and where the fishing vessels ae moored.

(h) The Commissions recommends that the NCG be provided with the latest state of the art drone so that it does not have to sail up any region to see if there is any suspicious activity. The drone when flown towards a suspicious craft can bring valuable information for the NCG to plan any action.

11.5 TOURISM AUTHORITY

Under the Tourism Authority Act, besides being responsible to preserve the integrity of Mauritius as a destination and to support and interact will all organisations and institutions aimed at promoting the tourism industry, the Authority is also responsible to issue permit for pleasure craft of less than 24 meters long. Conditions are imposed before the licence can be granted for commercial or private purpose. Besides the craft being seaworthy and covered by an insurance policy, it must be equipped with an

outboard motor. For those crafts entitled to go outside the lagoon, they must be licenced as OL crafts with specific conditions attached like having to be equipped with two outboard motors, fitted with an AIS and a VHF radio and or a satellite phone, the latter not being mandatory. Those authorised only to sail inside the lagoon are licenced as IL crafts and they need not be equipped with an AIS. At night there is no control and an IL craft could go outside the lagoon without being tracked by the NCG on its radar and which is a gap in the system.

After the licence had been issued, monitoring of the craft is done calling in aid the NCG besides officers of the Authority would at random carry inspections at sea near the shore and at the place of embarkation. The category of Commercial crafts consists of big game fishing, excursions and sightseeing to the islands around Mauritius limited to 12 nautical miles. The control carried out would be limited to checking the conditions laid down for the issue of the permit namely insurance cover, equipment, passenger carriage capacity. The Authority did not own any craft until recently to enable it to carry inspection but it relied essentially on the NCG.

11.5.1 RECOMMENDATIONS

(a) The Commission recommends that the Authority reviews the conditions of granting licences especially to pleasure crafts which have the capacity of reaching Reunion Island and Madagascar to ascertain that they have a tracking device which the NCG can capture their positions on the high seas;

(b) The Commission recommends that the Authority, as one of the conditions for the granting of licence, must clearly impose that for yachts, catamarans and speed boats licenced to sail on the high seas, they should be moored in marinas to be built by the authority or by private enterprise under the control of the NCG. Regulations must be made to make it an offence for such category of crafts to be moored outside the marinas. The owner must inform in advance the NCG of the projected destination, the persons on board and the expected time of return. Any skipper responsible for such category of crafts who switched off the AIS commits an offence which shall be mulcted with heavy fine and on a subsequent conviction, the licence revoked, the craft forfeited and the skipper disqualified to obtain a licence for a specified period. Any crafts of that category must also be fitted with a telecommunication system as approved by the licencing authority. Crafts of that category belonging to the hotels must be moored in an area approved by the licencing authority and any movement of such crafts outside the lagoon must obtain prior authorisation of the NCG after submission of the destination, number of passengers and expected time of return.

(c) The Commission recommends that crafts belonging to Big Game Fishing Clubs must be moored at a specific place in front of the clubhouse and before leaving for the high seas, the NCG must be notified of the destination, number of passengers and expected time of return. All catches in respect of those clubs must be monitored by the Fisheries Department who should be notified of the expected arrival time to base. Regulations must be made so that the sanction is so severe that it gives food for thought to any would be contravener;

(d) The Commission recommends that the Authority must make provisions for severe penalty for any pleasure crafts whose owner or agent fails to comply with the Regulations. Such penalty includes forfeiture of craft and prohibition to have a licence for a certain period;

(e) The Commission recommends that the Authority must carry out regular inspection of the pleasure crafts to see that all the conditions imposed have been complied with and to take drastic action like revoking the licence and grounding the pleasure crafts.

11.6 FISHERIES

11.6.1 ITS MANDATE

The Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands is responsible for the registration of fishing boats of registered fishermen of at least 7 meters but less than 12 meters long and of a width of 2 meters. It is also responsible for the licencing of Merchant Shipping vessels. Registration procedure is very simple. The fisherman has to bring the title deed of the boat, complete the application form for submission to the Ministry. The officer will check the boat where it is to be found to ascertain its seaworthiness. Upon approval, a certificate is issued upon payment of a fee and the boat used specifically for fishing. Moreover after successful registration, the fishermen will be provided with safety equipment free of charge. In the event that the fisherman wishes to use the boat for commercial purpose, the boat has to be deregistered and application made to the Tourism Authority to obtain a commercial licence. The registration number of the boat will be an indication in which district the boat has to be moored and it is not authorised to moor in any other district but it can move freely around the island to fish. If the registered owner wishes to moor the boat in another district, he should apply for a transfer. The fishing boat is allowed to go outside the lagoon to fish. Usually, the length of the fishing boat is less than 7 meters as it will be easier for the fishermen to come ashore.

11.6.2 FIGHT AGAINST ILLEGAL FISHING

The main mandate of the Fisheries Department is to prevent and to combat illegal fishing. For that purpose, the fisheries have 16 posts around the island divided into regions, essentially in areas where there are registered fishermen, manned by a minimum of 2 officers and a maximum of 3 on a shift system and every post has its patrol boat, some have two, one with an outer board motor which is faster to reach the desired destination following an information of illegal fishing taking place. Each region is under the responsibility of an Assistant Controller. There are also 5 flying squad composed of 5 officers each especially to detect illegal fishing with unauthorised equipment and they are not posted at the Fisheries posts. In Rodrigues, there are 3 Fisheries posts Fishermen attend the Fisheries posts on scheduled dates to have their registration stamped to enable them to receive the bad weather allowance provided by the State. There are scattered around the island about 1403 fishermen registered as boat owner.

11.6.3 PATROL WITH LIMITED PERSONNEL

Patrolling with two officers takes at least 6 hours and because of insufficient personnel, patrolling cannot be effectively carried out. The Commission has been

informed that there is a need of 50 additional officers for the Fisheries Posts to perform efficiently. The NCG and the other police unit do collaborate when requested especially during its tour of inspection when illicit drug is found. The Commission has been apprised that there had been no record of fishermen found in possession of drugs during inspection.

11.6.4 NO NECESSITY FOR TRACKING SYSTEM

There is no obligation for the boats fishing outside the lagoon to be fitted with a tracking device but the State has provided to each fisherman a communication device. The fishermen are obliged to call at the Fisheries Posts to declare the catch of the day for inspection and there are 61 landing stations around the island for that purpose.

Since it is the policy of the Government to make fishermen move out of the lagoon to fish in the area where fish aggregating device had been placed and which are found at some 5 to 10 nautical miles off the lagoon, the Ministry did not even consider making it obligatory for the boats to be equipped with a tracking device. The reason given is that the fishermen have mobile phones.

Unfortunately, it did not dawn upon the Ministry that further from the shore, the mobile would not be able to be in contact with the relay and in the event of an emergency, the boat cannot be tracked and research at sea using the NCG and its Air Squadron to locate the lost fishermen had its toll not only in respect of human life but financial as well. It is only in the not distant past when fishermen had disappeared at sea and with the unsuccessful research by the NCG to locate them, that the Ministry thought of amending certain conditions to enforce the safety of fishermen at sea.

The Commission has been told that the Ministry is considering the use of a cheaper tracking device for fishermen which is a laudable initiative and a positive step in the safety of fishermen who would also be obliged to wear mandatorily a lifejacket provided by the Government while at sea.

11.6.5 A BLOT IN SYSTEM

Being given that evidence before the Commission has revealed that the sea route is the most porous channel of entry of dangerous drugs in the country and the quantity smuggled is quite impressive compared to seizures at the airport and the parcel posts, for this reason those responsible for surveillance at sea and for granting licences for crafts have been called in order to enable the Commission to scrutinize into the methodology of surveillance by the NCG and the conditions for the granting of licences, monitoring and inspection thereafter.

The Commission noted numerous loopholes which had been exploited by the traffickers. The Commission understands the limited role of the Fisheries Divisions in the fight against illegal importation of dangerous drugs. The Commission considers that the Tourism Authority as well as the Ministry of Economy, Marine Resources, Fisheries, Shipping and Outer Islands responsible for the granting of licences to crafts must review the conditions for obtaining the permit. It is unthinkable that there are absolutely no efficient night patrols of the sea and the NCG should know that the traffickers is fully aware of the absence of surveillance of the sea especially at night, and under the cover of darkness, the traffickers would perpetrate their activity without any hindrance.

The ADSU has provided evidence of a case of a boat having left Tombeau Bay to pick up parcels of drugs on the high seas dropped by ships before entering the harbour successfully on numerous occasions and this was possible despite the alleged surveillance by the NCG. It is clear that the small boat cannot be tracked by the NCG surveillance system and thus the necessity to have a physical presence of the NCG fleet at strategic point for the NCG to find out which areas after analysing the intelligence gathered and the information imparted by the police or customs.

11.6.6 RECOMMENDATIONS

(a) The Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands must review the conditions of granting licences to fishermen, emphasis being placed on the security aspect of the fishermen and persons on board. Regulations must be made to prohibit Inshore Lagoon crafts from going outside the lagoon to fish the more so that those boats are not required to be fitted with a tracking device. Severe penalty like revocation of fishing permit, confiscation of boat and disqualification of the person to hold a fishing boat licence for a certain period must be provided. The State cannot spend huge amount to try to locate the fishermen whose embarkation had disappeared at sea and after enquiry to consider whether it must recoup all costs from the family. Without a tracking device, the craft cannot be located by the NCG. The Commission recommends accordingly;

(b) The Commission recommends that all crafts licenced to sail on the high seas must be equipped with a tracking device to enable the NCG to be able to locate their positions on the radar and to send rescue team in the area where the craft was last tracked without losing time. They must also have a radio communication system, if not a satellite phone approved by the authority.

(c) Since all catch must be reported by the fishermen at the Fish Landing Station scattered around the island and more specially where there are more fishermen, the Commission recommends that all fishing crafts of that category must be moored at the Fish Landing Post of the locality where they are licenced and the fishermen must inform the Fisheries Officers of the region they would be fishing and the expected time of return. Any breach of Regulations must be severely sanctioned;

(d) Since there is no control of fish caught by licenced vessel from the bank, the Commission recommends that the Fisheries Division must also monitor the catch delivered by those vessels at the private quay destined for companies in the Free Zone

11.7 FOREST DEPARTMENT

11.7.1 DUTIES

The 21 thousand odd hectare of forest land under the control of the Forest Division of the Ministry of Agro-Industry and Food Security which also includes the 'chassées', has a personnel of 113 officers whose role is to protect the forest from destruction,

preventing people from cutting down trees which are important for the protection of the soil and the environment.

The Forest Division also oversees the mountain and river reserves as well. There are two national parks comprising of 10 thousand hectares of land not under the control of the forest department but under the National Park and Conservation Services of the said Ministry.

11.7.2 DEPLOYMENT OF PERSONNEL

The Forest Service is divided into 24 stations, each manned by 3 officers and the working hours are from 7 a.m. to 3.15 p.m. during week days and on Saturdays from 7 a.m. to 10.45 a.m. Not all officers of the Forest Division are involved in actual patrolling of the forest areas as the divisions have other duties. The officer performing the daily patrol on foot can cover only some 5 to 10 hectares and in a month, only 200 hectares of forest land is patrolled. Consequently, not all areas are patrolled during the year because of shortage of personnel. The patrol inside the forest is up to accessible places and in certain areas, like ravins, there was hardly ever any patrol. It is to the knowledge of the forest officers, who have been trained to identify cannabis plants, of unlawful cultivation of cannabis in the forest area in plastic bags or in pots and when such cultivation is detected, the ADSU is called in as the forest officers are not armed and they would not take the risk.

11.7.3 ABSENCE OF EXCHANGE OF INFORMATION

The forest department compile statistics of the places where they had discovered cultivation but they are not aware of the cultivation destroyed by the ADSU found in inaccessible places. No attempt had been made to have a mapping of the area where ADSU had uprooted cannabis planted by traffickers and the reason given was that there was no prone area.

11.7.4 LACK OF EQUIPMENT

The officers have no means of transport for their patrol but used their private means of transport be it cars or motorcycles for which they received an allowance. In places inaccessible by transport, the officers have to walk and they are entitled to walking allowance. No means of communication are provided and the officers used their private mobile to call the ADSU when they discover cannabis plantation. Exceptionally during Christmas time, to keep watch over Christmas trees for sale to the public, a 4x4 is available to patrol even at night. Request had been made to the Conservator of Forest for more staff and equipment which are still pending.

11.7.5 DERELICTION OF DUTIES

The Commission is flabbergasted by the lack of professionalism of the work of the Forest officers who despite information in the public domain of the destruction of cannabis plantation in the forest area by the ADSU, has not taken any positive steps to curb the recurrence of such illegal activities. The Commission notes that the Forest Division has abdicated its obligation of monitoring the forest area thus the huge number of cannabis uprooted by the ADSU in places not reported by the Forest Division. The excuse that the terrain is inaccessible is not compelling and the manner in which patrolling is effected is obviously known to the traffickers who have a field

day to cultivate huge plantation in gorges and places never patrolled by the forest officers.

The Commission finds that despite the numerous cultivations of cannabis regularly eradicated by the ADSU, the Forest Division does not deem it necessary to review its method of monitoring the forest areas under its responsibility being too happy that it is being looked after by the police. Report of cannabis plants over 1 meter high had been uprooted which means that the plants had been in the soil over more than 6 months to be able to reach that height. Having regard to the height of the cannabis plants uprooted by ADSU, this is a clear indication that the area had not been patrolled for months.

Absence of the necessary equipment should not be an excuse as it is the duty of the Conservator of Forests to impress upon its parent ministry of the requirements, both in term of personnel and equipment to be able to reach allegedly inaccessible terrain, the favourite spot for traffickers to cultivate cannabis. If traffickers can reach those places, there is no reason why the forest officers could not.

11.7.6 RETHINKING MONITORING

The Commission finds that there is an urgent need to review the monitoring system as the forest area is being constantly used to cultivate cannabis and even the ADSU had never been able to catch the culprit, which is also a reason that the ADSU must also review its methodology and not simply be happy to uproot cannabis plants for which they are paid a certain amount for each plant uprooted.

The Conservator of Forest has to be more proactive, takes initiative being the accounting officer, makes proposals as to ways and means to tackle the recurrent illegal cultivation of cannabis in the forest area. He must not have a defeatist attitude, he has to remove blinkers, makes policies and protocol, and thinks out of the box which requires gathering intelligence, seeking and sharing of information with other actors in the fight against traffickers.

11.7.7 RECOMMENDATION

(a) The Commission recommends that the Agro-Industry and Food Security revamped the Forest Division to create a unit of Forest Rangers whose duty is solely to guard the forest area from intruders, to have sufficient officers having regard to the extent of the forest area to enable proper, efficient and effective patrolling of the Forest area on a 24/7 basis.

(b) The Unit must be provided with sufficient means of transportation not only in terms of 4x4 but also of Quads and motorcycles, be armed, provided with the latest state of the art communication system be it radio or mobile, video cameras and cameras, provided with drones to enable the observation of the situation in difficult area where access is difficult or dangerous;

(c) The Ministry may even consider having a mounted Forest Rangers which will be eco-friendly and an alternative to the more polluting mode of transport and which will allow the Forest Rangers to attain the remote places;

(d) The Forest Rangers must have a culture of collecting statistics, capable of mapping area where illegal cultivation of cannabis had to uprooted to enable the Forest Rangers to concentrate their supervision and patrolling;

(e) The Commission recommends the building of proper observation posts in the forest areas to enable better surveillance and rapid intervention;

(f) The Forest Rangers must be accompanied by security dogs and sniffer dogs.

11.8 ICTA

In view of the heavy dependence of the drug traffickers in the prisons on smartphones, the Commission is of the view that the relevant authority together with the telephony service providers must review the sale of sim cards especially to tourists and to foreign workers. Regulation must be made so that any person wishing to obtain a sim card must personally fill in the application form with all relevant information to identify and locate the person and only one sim card can be given per application to prevent corrupt seller of sim cards in tobacco outlet to insert more sim card numbers without the knowledge of the applicant.

Sim Cards issued to foreign visitors must have a period equivalent to their stay and thereafter automatically deactivated by the telephony service providers.

The Commission has also noted the ease with which the drug traffickers could obtain credit to enable them to use their smartphones. Topping up of sim cards by using scratch cards must be forbidden. It is for the authorities to find other means to enable their clients to be able to continue using their telephones. With the post paid system, there will be greater control as the telephony service providers will have to send the invoice at a particular address and if the amount is not settled within the specified period, the service provider will be entitled to cancel the use of that number which it is actually doing.

The Commission heard of the traffickers now resorting to satellite phones. The relevant authority must supervise and control that type of phone.

It is too well known that purchase of synthetic drug is effected through the internet. Monitoring of those known sites must be effected and information communicated to the law enforcement agency. The Commission has already brushed upon this issue, made recommendations and see no need to repeat it here.

CHAPTER 12: THE ADEQUACY OF EXISTING RESOURCES INCLUDING EXPERTISE TECHNOLOGY AND EQUIPMENT TO DETECT AND COUNTER ANY ATTEMPT TO INTRODUCE DRUG INCLUDING DESIGNER DRUG AND SYNTHETIC DRUGS IN MAURITIUS [TOR IX]

12.1 NEW DANGER

The New Psychoactive Substances which are taking the life of so many adolescents in their prime, lured by friends, making them believe that taking drug would in their mind make them have the pleasure and sensation of bliss and to be closer to the unreachable quest of nirvana. Some obviously never return from that quest to the dismay of their loved ones who take the blame that they must somehow have failed in their duties as parents.

12.2 STATE'S RESPONSIBILITY

It is the responsibility of the State to make available to its Law Enforcement Agencies all available tools to fight the scourge. The Commission has received testimony from all the various stakeholders and all of them complain of absent of the state of the art equipment to enable them to perform their duties and also the need to have more personnel. Obviously the absence of technology and equipment to enable the Drug Enforcement Agencies to detect all sorts of drugs prohibited under the Dangerous Drugs Act hamper their efficiency in the fight. To beat the ingenuity of traffickers always finding means to beat the surveillance of the law enforcement agencies, use of modern technology for surveillance purposes and gathering of vital information should be resorted to in order to be able to lay hands on the real traffickers and the financiers behind the deadly lucrative trade. The law enforcement agency must be able to tap telecommunication of suspects, have access to their bank accounts with less procedural hassle.

12.3 REQUESTS OF FSL

The Commission needs not rehash the requests made by all the Law Enforcement Agencies and they are very legitimate if the war on drug is to be successful. We need only stress on the difficulties met by the most important partner of the law enforcement Agencies, the FSL. She has expressed her inability to be able to identify the deadly synthetic drugs through lack of proper equipment and personnel. There is also the need for a conducive place of work and adequate remuneration so that the scientists will not seek other better paid job.

12.4 FORENSIC SCIENCE LABORATORY (FSL)

"If forensic evidence is not objectively tested, analysed, and interpreted by adequately trained scientists, the search for truth will potentially be compromised, if not defeated."
Betty Layne Desportes

12.4.1 THE SETTING UP OF THE FORENSIC SCIENCE LABORATORY [FSL]

Since its setting up and coming into operation under the aegis of the Prime Minister's Office in the 1950's, it is not known and the Commission has not been told if the Forensic Science

Laboratory has ever undergone any systemic reassessment, re-evaluation, complete institutional audit by an independent body save that it is accredited by Mauritas. The Commission heard of various allegations and /or reported incidents of tainted evidence, inaccurate and inconsistent reports being presented to the prosecuting authorities, poor expert witness depositions in court, negligence, inordinate delays in handling samples from major drug trafficking cases.

12.4.2 REQUIREMENTS OF FSL

The Commission has been attentive to the depositions of the representative of the FSL and of Drug Enforcement Agencies that interact with the FSL and has taken note inter alia of the shortage of staff, increasing back log of cases resulting in inordinate delays in handling and analysing drug samples which in turn leads to adverse repercussions on the celerity of police enquiry into and prosecution of drug trafficking cases; the constant *fight* for adequate funding towards recruitment of additional qualified scientists, the inability of the institution to retain its fully qualified and trained scientists/analysts, the lack of adequate up to date and operational technologies, the lack of backup system in the event of breakdown of main items of equipment and the unusually prolonged period of time for equipment to undergo repair and be fully operational.

The penultimate objective at the end of the day, when it comes to repression, is that the drug traffickers are successfully prosecuted and convicted. To achieve that objective, this country must be able to rely on a strong, independent, autonomous, fully qualified forensic science service provider, which in the Commission's opinion is not the case presently. The Commission in the light of the above and following a visit to the premises of the FSL will be making recommendations below. Reference made hereunder to scientists include analysts and all technical staff involved in the handling and analysing of drug samples.

12.4.3 RECOMMENDATIONS

(a) STRUCTURE AND COMPOSITION

(i) The Commission recommends that the FSL be revamped and made to operate as an independent body set up by an Act of Parliament, the Forensic Science Laboratory Agency Act (FSLA) running in total independence from the Law Enforcement Agencies and the Prosecutorial Bodies.

(ii) The Commission recommends that an independent review committee be established under the Act responsible inter alia for ensuring independence, proper accreditation and certification, the provision of quality services, to issue standards and regulations; to review internal policies, managerial practices etc.

(iii)The Commission recommends the construction of a new FSLA compound with a state of the art equipment, manned by the highly trained professionals and sufficient fund made available to execute its mission.

(iv) The Commission recommends that a specialised unit, dealing solely with drugs, within the FSLA be set up with expertise in drug analysis, and to be manned by fully trained scientists to handle drugs listed under the DDA.

(b) **STAFFING, TRAINING, AND STAFF RETENTION**

(i) The Commission recommends raising the entry point qualification requirements in relation to scientists, create additional posts, recruit scientists, provide on the job training as may be required to ensure that the scientists be fully conversant and trained in the latest up to date methodologies of sampling/ conservation/ analysis/ reporting etc.

(ii) The Commission recommends that the remuneration package of scientists be reviewed to retain fully trained staff and to establish a clear career path for officers within the different grades.

(iii) The Commission recommends the creation of a post of "liaison desk scientist" who shall be an FSLA officer fully qualified and competent to receive, handle and process samples and to deal with the relevant authorities.

(iv) The Commission recommends that there is a need to develop regular training/exchange programmes for all personnel to be given the opportunity of getting overseas exposure as far as is practicable from the best accredited world laboratories and/or to have visiting scientists over. Specific training shall furthermore be dispensed to all forensic experts deposing in drug cases before the specialist drug court/drug division of Supreme Court including basics of law of evidence (admissibility/ expert evidence etc).

(v) The Commission recommends that the management conducts regular in-house "assessments" with a view to sharing information/ techniques as well as constructively discuss problems together.

(vi) The Commission recommends that the FSLA avails itself of section 7 of the DDA to train its staff.

(c) **ACCESS**

(i) The Commission recommends that access to the premises by internal and external visitors be monitored by video recording. In relation to exhibit storage areas, server rooms etc, the FSLA shall keep a record of staff who have access there through a digitally monitored equipment.

(ii) The Commission recommends that there be a single point of access to the FSLA premises for external visitors (Police, Customs, NDIC officers, Service Providers) and who shall at no point during their visit have access to the laboratories and casework/processing areas. The only contact person responsible for receiving, processing and forwarding samples is the Liaison desk officer /scientist. These visitors when required to access any control areas shall be escorted at all times by an authorised member of staff and furthermore all visits must be recorded.

(iii) The Commission recommends that all staff wear at all times visible access badges with their name and photographs and that the use of colour code badges for access to general area, laboratory, sample room and the restricted areas be adopted.

(d) **SERVICES AND QUALITY CONTROL**

(i) The Commission recommends that guidelines/directives/protocols adopted and followed by FSLA are in line with the latest applicable and internationally recognized institutions.

(ii) The Commission recommends that when it comes to the chain of custody of drug samples, these samples must be carefully controlled from the locus to Laboratory to Court. There must be the least possible number of persons handling the exhibit/sample and only one FSLA Officer or one FSLA officer and one police officer (trained in sampling taking etc) who will be allowed to manipulate same according to a protocol. The exhibits/samples shall be carried from the locus to the laboratory and to court in sealed transparent boxes/ containers/ bags with stringent handing over protocols as may be appropriate to reduce risk of tampering. In the same breath all sampling to be performed on the locus as far as practicable be effected by FSLA scientists and by no other authority.

(iii) The Commission recommends the drawing up of a protocol in respect of the handing over of the exhibits from the investigation team of the NDIC to the FSLA and once the exhibit is handed over to the "liaison desk scientist", it is the officer who analysed the exhibit who shall be responsible to produce the exhibit to the trial court. Only the findings of the analysis shall be reported to the investigation team.

(iv) The Commission recommends that the report of the result of the analysis should not be limited only as to the weight, whether the substance is a prohibited substance under the Schedules of the DDA and its purity. The report must also state what was/were the other substance(s) mixed with the prohibited drug.

(v) The Commission recommends that an official feedback system be put in place to ensure "quality control/assurance" and feedback forms from clients duly sought by and submitted (Police, Customs, ODPP, Judiciary etc whether in relation to performance of FSLA staff in analysing or in deposing in court) to management who shall ensure confidentiality of information and to act constructively thereupon.

(vi) The Commission recommends that the FSLA compiles detailed statistics and in particular in relation to drug samples and analysis to be forwarded to the Secretariat of the NDIC periodically.

(vii) The Commission recommends that on a punctual basis, random and surprise checks be effected to control efficiency of the work performed. A blind testing of analysis being performed by FSLA scientists from first

handling of drug sample up till the concluding report should be carried out, the scientist being unaware that his methodology and analysis is under scrutiny. This will maximise the reliability of test/control results and accurately depict an individual performance of the scientist/analyst.

(viii) The Commission recommends that when a sample is assigned for analysis to a particular scientist, the sample should be 'anonymous' until the determination to avoid the scientist being biased by scientifically irrelevant information such as the name, geographical area, criminal history of the suspect from whom the sample was taken.

(e) **EQUIPMENT**

(i) The Commission recommends the replacing of all manual documentation and recording processes by automated or electronic systems (e.g. bar code labelling of drug samples) and the upgrading of analytical instrumentation, computer equipment, or software that will allow faster, more accurate analyses etc. and the use of recognised and accurately calibrated scales for weightage of samples.

(ii) The Commission recommends the purchasing of frequently used items through simplified tender processes so that analysts do not have to wait to perform essential parts of the testing process.

(iii) The Commission recommends that test kits, reagents, or other supplies or support items that will allow quicker and enhanced comprehensive information to be obtained from drug samples be purchased.

(iv) The Commission recommends the implementation of methodologies that will enable a more thorough and conclusive screening of items with a view to locating samples with a higher probative value for subsequent laboratory analysis and prosecution case preparation. (e.g. alternate light source).

(v) Finally, the Commission recommends that there be an improved cooperation and effective communication and collaboration between the FSLA, Law Enforcement Agencies and the Judiciary i.e. those bodies responsible for gathering, analysing and presenting the evidence as the main focus needs to be the robustness and admissibility of the evidence in court by suitably qualified forensic experts.

CHAPTER 13: THE NEED FOR FOSTERING LINKAGES AND COORDINATION AMONG THE VARIOUS AGENCIES AND OTHER LOCAL, REGIONAL AND INTERNATIONAL ENTITIES DEALING WITH DRUG RELATED MATTERS FOR BETTER STRATEGIC DIRECTION [TOR X]

13.0 NECESSITY FOR COOPERATION

The fight against drug proliferation is certainly an international one and the need for international and regional cooperation with foreign agencies in the fight against drug trafficking is essential, more especially in the gathering and sharing of information vital to be able to tackle the modus operandi of traffickers, which is ever changing in this technological age, their ingenuity of changing routes and using new methods of concealing drugs. Such cooperation will enable partners to plug any gap in the system be it surveillance, gathering of information, and most immediate the need for appropriate legislation to counter the proliferation of synthetic drugs.

13.1 RELUCTANCE TO SHARE SENSITIVE INFORMATION

The Drug Enforcement Agency namely the ADSU has cooperation with some international and regional agencies for sharing of information. Unfortunately, from the testimony before it, the Commission is made aware of the absence of effective cooperation with countries like South Africa and Madagascar, the two countries where the traffickers have been sending 'mules'. Similarly, not much help is received from the authority concerned in Reunion Island. The Commission has itself experienced its inability to obtain information regarding certain telephone numbers. Some did not even respond to the appeal made by its INTERPOL counterpart in Mauritius.

The Commission is informed of the good cooperation with the UNODC and there had been recently exchanges for capacity building. The Commission also notes with satisfaction similar capacity building and exchange of information with some friendly states.

13.2 RECOMMENDATIONS

(a) The Commission urges that the relevant authority more especially the Ministry of Foreign Affairs and the Ministry of Justice must urgently look into this aspect of cooperation even if the Drug Enforcement Agency believes that on its own, it would be able to stop the influx of drugs locally. But that would be utopic as the real route of the scourge is abroad and there is the need to help the other drug enforcement agencies in the sharing information. Such cooperation and more importantly person contact would be of an immense held and certainly the flux of information requested would be obtained faster.

(b) The Commission recommends that the relevant Authority urgently seeks from its counterpart the possibility of posting officers from the Drug Enforcement Agency in South Africa and Madagascar as it was done when the main route of heroin was from India.

CHAPTER 14: THE EFFECTIVENESS OF DRUG TREATMENT AND REHABILITATION PROGRAMMES AS WELL AS HARM REDUCTION STRATEGIES, NATIONAL PREVENTION, EDUCATION AND DRUG REPRESSION STRATEGIES WITH EMPHASIS ON YOUTH [TOR XI]

14.0 INTRODUCTION - MANAGING THE POST DRUG WAR ERA

One of the biggest challenges in the post drug war era is shifting the focus which was exclusively on repression by the Law Enforcement Agency to a balanced approach to include aspects of prevention, treatment, rehabilitation and relapse prevention. All political parties, whether they be in government or in the opposition should make it a point to avoid populist politics and unrealistic promises to turn Mauritius into a drug free island. Former US President Richard Nixon coined the slogan 'War on Drugs' and the UNODC had adopted a slogan "A Drug Free World: We can do it". We must come up with our own slogan **'Hand in hand: We can make it'**.

The repressive strategies have resulted in five unintended consequences:

(i) The creation of a solid, lucrative and cruel black market;
(ii) A policy displacement resulting in more arrests, more populated prisons to the detriment of grassroots initiatives in the fields of prevention, treatment, relapse prevention and rehabilitation;
(iii) Relying on aggressive law strategies alone has had a water-balloon effect and the traffickers and dealers have simply moved to other countries and regions;
(iv) Repression has not really eliminated drug use; at best, it has moved the users on to other drugs, including new synthetics and other designer drugs;
(v) Stigmatisation and discrimination have led to marginalisation of drug users who are reluctant to seek treatment and support.

In this new paradigm shift, all efforts and attention must be concentrated on the prevention aspect enlisting the whole community to be more vigilant, to understand the real problem of addiction, to help to channel the victims in its midst to the appropriate rehabilitation centre, and most of all to show more empathy. Spending a cent on prevention is cheaper than spending a rupee on cure. If nothing is done in the right perspective, the country's finance will stay in the Sisyphean cycle.

14.1. DEMAND REDUCTION

14.1.1 PREVENTION

14.1.1.1 SUBSTANCE ABUSE PREVENTION IN GOVERNMENT STRATEGIES TO ATTAIN THE SUSTAINABLE DEVLOPMENT GOALS

In its main proposal to embark the whole nation in the struggle to curb drug trafficking and drug use and abuse, the Commission invites the Government, the Private Sector, the Trade Unions and the population at large to combine all their efforts to attain sustainable development goals.

All Members States of UNGASS have pledged to adopt the Seventeen Sustainable developments with specific target to be achieved by 2030. Individual countries have a leeway to prioritize among the seventeen goals to meet their specific realities. In this

context, the havoc created by drug trafficking and drug abuse should be considered among the priority areas as it affects not only the worker and his family but also the company or service where he/she works and by extension to the national economy.

It is to be noted that in its Draft Outcome Document UNGASS 2016 entitled: "Our joint commitment in effectively addressing and countering the world drug problem" at paragraph 7 of its preamble, it is stated that *"We welcome the 2030 Development Agenda for Sustainable Development and note that efforts to achieve the Sustainable Development Goals and to address and effectively counter the world drug problem are complementary and mutually reinforcing;"*

Furthermore the UNGASS paper makes mention of the following key issues:

"12.bis We recognize that civil society plays an important role in assisting Member States with the development and implementation, evaluation and monitoring of national drug control programmes;

12.ter Being aware of the need to address the root causes of the world drug problem and of the serious harm caused by drugs to individuals, families and societies;

12.quater We recognize the importance of prioritizing interventions that have worked, while further strengthening research and data collection to develop, implement and evaluate evidence-based policies to successfully address the world drug problem"

14.1.1.1.1 NEGATIVE IMPACT OF SUBSTANCE ABUSE ON NINE SUSTAINABLE DEVELOPMENT GOALS

SUSTAINABLE DEVELOPMENT GOALS	IMPACT OF SUBSTANCE ABUSE & TRAFFICKING	RELEVANCE TO TERMS OF REFERENCE	MINISTRIES TO BE ACTIVELY INVOLVED IN ACHIEVING THE GOALS.
GOAL 1: End poverty in all its forms everywhere.	Substance abusers and their family suffer from malnutrition, social discrimination and exclusion. They also have great difficulties to secure and maintain a job.	(I) The scale and extent of the illicit drug trade and consumption in Mauritius and their economic and social consequences.	Ministry of Social Integration and Economic Empowerment Ministry of Social Security, National Solidarity and Environment and Sustainable Development.

GOAL 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture.	Abuse of pesticides, insecticides and uncontrolled fertilizers by cannabis growers affect fresh water, the quality of soil, forests and biodiversity. Such abuses are a direct threat to food security and safe and sustainable agriculture. It is to be noted that agriculture provides livelihood for 40 per cent of today's global population and is the largest source of income and jobs for poor rural households.	(I) The scale and extent of the illicit drug trade and consumption in Mauritius and their economic and social consequences.	Ministry of Agriculture and Food Security. Ministry of Health and Quality of Life.
GOAL 3: Ensure healthy lives and promote well-being for all at all ages.	Substance abuse reduces life expectancy of drug dependent heads of households as they often suffer from infectious diseases such as HIV/AIDS and Hepatitis B and C. Research has shown that children born into poverty are almost twice as likely to die before the age of five as those from wealthier families. Substance use and abuse often result in teenage pregnancy and abortion. AIDS is now the leading cause of death among adolescents (aged 10-19) in Africa and the second most common cause of death among adolescents globally.	(XI) The effectiveness of drug treatment and rehabilitation programmes as well as harm reduction strategies, national prevention, education and drug repression strategies, with emphasis on youth.	Ministry of Education and Human Resources. Ministry of Health and Quality of Life. Ministry of Youth and Sports. NGO's

GOAL 4: Ensure inclusive and quality education for all and promote lifelong learning.	Children whose parents are drug abusers have limited access to higher education as they often drop out of schools.	(XI) The effectiveness of drug treatment and rehabilitation programmes as well as harm reduction strategies, national prevention, education and drug repression strategies, with emphasis on youth.	Ministry of Health and Quality of Life. Ministry of Education and Human Resources. Ministry of Labour, Industrial Relations, Employment and Training. Ministry of Gender Equality, Child Development and Family Welfare. Ministry of Social Integration and Economic Empowerment
GOAL 8: Promote inclusive and sustainable economic growth, employment and decent work for all.	Drug dependent employees are a direct threat to industries, quality products and services due to absenteeism, workplace accidents, injuries and death, industrial conflicts, violence, loss of expertise, etc.	(I) The scale and extent of the illicit drug trade and consumption in Mauritius and their economic and social consequences.	Ministry of Social Integration and Economic Empowerment Ministry of Labour, Industrial Relations, Employment and Training. CSR Committee.

GOAL 9: Build resilient infrastructure, promote sustainable industrialization and faster innovation.	It has been very clearly demonstrated during the hearing sessions of the Commission and also by incredible discoveries by Customs, ADSU and MRA officers how it is the traffickers who more often than not innovate and think out of the box. Drugs, particularly synthetic drugs are being imported through parcel posts and the internet.	(IX) The adequacy of the existing resources including human expertise, technology and equipment, to detect and counter any attempt to introduce drug including designer and synthetic drugs, in Mauritius.	
GOAL 16: Promote just peaceful and inclusive societies.	Drug abuse and trafficking carries in its wake, its load of violence, corruption, bribery, theft, tax evasion, blackmail, murder.	(I) The scale and extent of the illicit drug trade and consumption in Mauritius and their economic and social consequences.	
GOAL 17: Revitalize the global partnership for sustainable development.	The traffickers have been very successful in establishing and developing solid networks of partners if both the local, regional and international levels that hinder, disrupt and destroy the principles, values, shared goals and vison of Government, the Private sector and Civil society.	(X) The need for fostering linkages and coordination among the various agencies and other local, regional and international entities dealing with drugs related matters for better strategic direction.	

14.1.1.1.2 RECOMMENDATIONS:

(a) The Commission strongly recommends that the UNGASS paper be closely studied by a panel of experts and representatives of all relevant supply and demand reduction institutes in order to develop "scientific evident based measures and tools, that target relevant age and risk groups, school as well as out-of-school youth, using, among others, social media and on-line platforms, to prevent and reduce during initiation and prevent transition to drug use disorders."

After taking into consideration the risk and protective factors, programme planners and field workers need to have a profound knowledge of the high risk groups.

(b) The Commission recommends that the group of experts probes into further indicators to enable the Community Welfare Taskforce [CWT] to become more efficient in the prevention campaign.

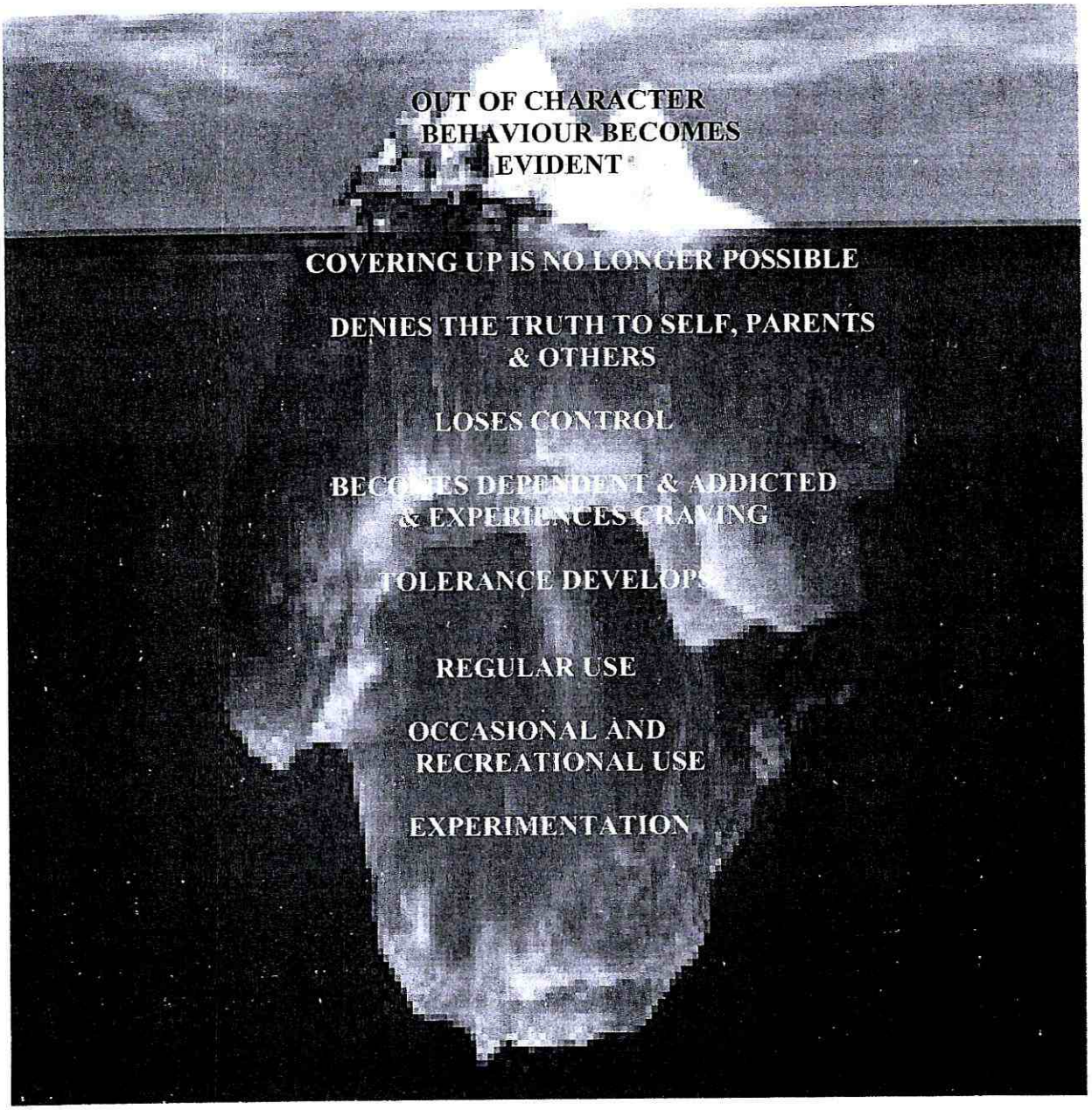
14.1.1.2 UNDERSTANDING ADDICTION

A good prevention programme should make it clear that there are several categories of drug users. The adolescent or young adult who takes any drug for the first time, simply out of curiosity or negative peer influence is termed as an experimenter. It is most likely that, after experiencing some form of euphoria, he will continue to use the drug occasionally for recreational purposes. He becomes an occasional or recreational user. As his body gets accustomed to the drug, he goes on to take it regularly and becomes a regular user but is still not an addict. As his body develops tolerance to the drug, he will start increasing his daily dose periodically in search of the original euphoria which disappears as soon as the body gets used to the present dose. He therefore becomes a regular or habitual user. In the meantime he starts to experiment withdrawal syndrome and suffers physically in the absence of the drug. It is only then that he is considered a dependent compulsive user or an addict.

At this point in time, the whole world of the abuser in the grips of the terrible pains associated with the withdrawal syndrome, revolves uniquely around his next dose of drug which is given priority over his studies, ambitions, dreams, look, job, health, fortune and even the members of his family.

This process is clearly illustrated in the ICEBERG CONCEPT in which it is demonstrated that what the parents see in the long run is the out of character behaviour which is only the tip of the iceberg.

14.1.1.2.1 THE ADDICTION PROCESS



14.1.1.2.2 A DECISIVE MOMENT FOR A MINDSET CHANGE

At this stage the abuser has no choice but to follow a treatment programme. First and foremost, the abuser must be brought to understand clearly that he will badly and compulsorily need a major mindset change. He must be given a clear scientific explanation of what the addiction process is all about although he has gone through it all. He will need to understand clearly that detoxification or, worse, a drug-free therapy is a TOUGH UPHILL FIGHT.

14.1.1.3 SETTING UP OF COMMUNITY WELFARE TASKFORCE [CWT]

As it has become clearly evident that substance abuse has reached every nooks and corner of the country, each Mauritian, men and women, young and old, rich and poor must join forces to launch a vast and aggressive community mobilisation programme in view of setting up CWT all over the country. At the outset a few volunteers may help to distribute pamphlets in a door-to-door exercise to invite all the families to a first meeting.

14.1.1.3.1 STEPS TO BE TAKEN

It has been proven throughout history that the greatest hurdle to community awareness, mobilization and empowerment is HEEDLESSNESS. The Commission is, therefore, recommending that a scientific and step by step approach be adopted to enlist the participation and support of each Mauritian in the fight against drug trafficking, use and abuse, which would include inter alia the following:

(i) What is Community Mobilization; (ii) Tapping the Informed Opinions; (iii) Be Aware of the Denial Barrier; (iv) A Backyard Revolution; (v) A Mindset Change; (vi) Revamping the Community Resources and Infrastructures; (vii) Conducting a survey to Tap Existing Talents, knowledge and skills from Local Residents; (viii) The Power credibility and influence of Local Social Workers; (ix) Tapping Available Resources from Public Services, Private Firms, faith-based and Socio-Cultural Organizations; (x) Capitalising on Painful and Success Stories of Shared Lives; (xi) Capitalizing on Painful and Success Stories of Shared Lives; (xii) Other Practical Ways of Consolidating the Community Taskforce.

14.1.1.3.2 UNDERSTANDING RISK AND PROTECTIVE FACTORS IN PREVETION STRATEGIES

It is of utmost importance for all stakeholders involved in prevention campaign to really understand what are the risk factors that our youth and young adults have to face in their daily life. Protective factors are skills, strength, resources, support and coping strategies that would help them deal more effectively with stressful events and mitigate or eliminate the risk factors. Nowadays in any society, there are more risk factors than protective factors surrounding our youth.

It is therefore important that programme planners and field workers reinforce and increase the protective factors to abate and overcome these risk factors.

14.1.1.3.3 RECOMMENDATIONS

1. The Commission recommends the setting up of a multidisciplinary team of experts to investigate further into the genetic, psychosocial, cultural and contextual factors that lead to the initiation with drugs and the continued use leading to abuse and dependence. Apart from the protective factors mentioned above, the Commission further recommends that the expert committee undertakes a longitudinal study to determine how the existing protective factors could be reinforced and what new protective factors could be developed to offset the long list of risk factors. No prevention or treatment

programmes can be effective without a proper understanding of the real nature of the addiction process.

2. In order to help parents, siblings and teachers in early identification of drug use prior to abuse and dependence, the Commission recommends that the whole process from initiation to physical and psychological dependence be clearly explained to the PTA, teachers and all other stakeholders.

14.1.2 TREATMENT

14.1.2.1 HARM REDUCTION: A PARADIGM SHIFT

A major negative impact of the "War on Drugs" launched by former US President Richard Nixon has brought community worldwide to believe that wars were against big drug traffickers and it concerned only the Government and the army. Even when the slogan was changed to "War on Crimes" the community still believed that it's the duty of the police to go to war against crime. This has resulted in a situation where the general public perceives drug addicts as criminals and as such their place is in the prisons.

The huge controversy and ongoing protests from members of the community where methadone substitution therapy has been put in place is a vivid example of how drugs addicts are looked down upon, marginalized and rejected in their own communities. The virulent protests from the community pushed the government to transfer the methadone distribution to the yard of police stations. This further perpetuated the feeling that the addict is a criminal who needs to be under the constant watch of the police.

Health care providers and social workers have had a lot of trouble to bring about a mindset change so that the community considers addiction as a complex, chronic and relapsing disease and perceive the addict as a patient. Harm Reduction strategies should address and prevent the consequences of criminalization which has exacerbated stigma and marginalization, which in turn, has greatly amplified the negative consequences of drug related poverty and has jeopardized the people's access to employment, education and health services.

When addiction is not prevented and treated, the addicts can get infected with HIV and Hepatitis B and C and eventually infect other members of the community. Other unintended consequences upon the community include drug-related larceny and violence, a high level of fatal accidents caused by people driving under influence of alcohol and other drugs. There have also been reported cases of both male and female prostitution. If these negative effects of dependence to drug are not addressed at various levels of intervention, the unintended and indirect consequences can return against innocent members of society who have never felt concerned about addiction as a disease, simply because they don't have a drug user in the family.

At this stage the abuser will need to seek treatment or otherwise he will have to repeat his drug intake more and more often to help him cope with the ever-increasing withdrawal syndrome.

The abuser may choose to follow a treatment programme which could be drug free relying solely on regular individual, group and family counselling together with the development of appropriate life skills to prevent relapse. He can also choose a detoxification or a harm reduction model.

In either case the abuser must be warned to be very cautious of the risks of relapse. Experts are of the opinion that detoxification alone represents only some 10 to 15 % of the treatment process, whereas psychological dependence represents about 85 to 90 % of the long-term recovery process.

14.1.2.2 HISTORY OF HARM REDUCTION IN MAURITIUS

The 1980s witnessed the advent of the injecting drug use phenomenon in Mauritius and it was in the same decade that the first HIV (Human Immunodeficiency Virus) 1987, positive case was detected in the island.

Mauritius faced a public health emergency in relation to HIV/AIDS with an exponential increase in the number of HIV cases being detected as from 2002. In the year 2005 out of a total of 921 new cases detected, 92% were among injecting drug users. The HIV epidemic in Mauritius took an alarming trend particularly from 2003 onwards. From 50 new HIV cases detected in 2000, the figure reached a dramatic 921 new cases for the year 2005. It is worth noting that in the year 2000, only 2% of the new infected cases were among IDUs. It increased steadily to 14% in 2002, 66% in 2003, 87% in 2004, and 92% in 2005. In epidemiological term, this situation is described as a concentrated epidemic and in this case it was among the population of injecting drug users.

This was a major concern as that could spread to the general population through sexual contacts. This called for prompt actions. The Ministry of Health and Quality of Life with consultation with international organizations (WHO, UNAIDS) and other international consultants and stakeholders introduced the Harm Reduction Programs as from 2006 with the objective to curb and control the HIV epidemic in Mauritius.

After intensive training to medical practitioners, pharmacy staff as well as social workers and NGOS by Professor Martha Torrens from Spain, who has a vast experience in this field, the policy adopted was to provide methadone on a maintenance basis rather than a detoxification model. The programme was geared to attain maximum coverage within minimum time in order to have an impact on the HIV epidemic. Induction was conducted both at residential and day care centers.

In parallel with the Methadone Substitution Therapy, the Needle-Exchange Programme (NEP) was set up in 2006 by the Ministry of Health and Quality of Life jointly with two NGOs namely Prevention Information Lutte contre le Sida [PILS] and CUT (Collectif Urgence Toxida). As from 2007, the Ministry of Health and Quality of Life supported NGOs in the NEP, which is an outreach programme targeting People Who Inject Drugs (PWID), in view to curb the trend of HIV infection among injecting drug users.

The Needle Exchange Programme (NEP) provided materials like clean injecting equipment, needles, syringes, alcohol swabs, condoms, information and education materials. NEP also provided counseling, testing and referrals. Field workers of NGOs were given an allowance. Four NGOS were involved at 7 sites. A mobile NEP service was also created so as to provide maximum coverage. 36 NEP sites were identified and 6000 patients were registered on the programme. The provision of opiate substitution therapy through the methadone programme as well as sterile injection equipment to injecting drug users is generally considered as essential components of comprehensive risk minimization in the HIV and AIDS prevention strategy. In 2017 the Ministry of Health and Quality of Life was servicing 36 dispensing sites and the NGOS 11sites with a total of 755,781 syringes supplied.

Responsibilities for implementation of the methadone therapy were clearly spelt out, selection of beneficiaries was carried out by NGOs after the pre-induction counseling sessions then they were referred to the Ministry of Health and Quality of Life through the NATReSA for the induction phase through residential or day care centers. The daily dispensing of methadone and medical follow up was done by a team of the Ministry of Health and Quality of Life.

NATReSA was the national agency which was set up by law with a dedicated budget and staffing having the responsibility for developing and implementing strategy for prevention, treatment and rehabilitation of substance abuse.

14.1.2.3 EFFECTIVE TREATMENT APPROACHES

Medication and behavioural therapy, especially when combined, are important elements of an overall therapeutic process that often begins with detoxification, followed by treatment and relapse prevention. Easing withdrawal symptoms can be important in the initiation of treatment and preventing relapse is necessary for maintaining its effects. And sometimes, as with other chronic conditions, episodes of relapses may require a return to prior treatment components. A continuum of care that includes a customized treatment regimen, addressing all aspects of an individual's life, including medical and mental health services and follow-up options together with the community or family based recovery support systems can be crucial to a person's success in achieving and maintaining a drug-free lifestyle.

14.1.2.4 PRINCIPLES OF EFFECTIVE TREATMENT

Scientific research since the mid-1970s shows that treatment can help patients addicted to drugs stop using, avoid relapse and successfully recover their lives. Based on this research, key principles have emerged that should form the basis of any effective treatment programs:

- Addiction is a complex but treatable disease that affects brain function and behavior.
- No single treatment is appropriate for everyone;
- Treatment needs to be readily available;
- Effective treatment attends to multiple needs of the individual, not just his or her drug abuse;
- Remaining in treatment for an adequate period of time is critical;

- Counseling – individual and/or group- and other behavioral therapies are the most commonly used form of drug abuse treatment;
- Medications are an important element of treatment for many patients, especially when combined with counseling and other behavioral therapies;
- An individual's treatment and services plan must be assessed continually and modified as necessary to ensure that it meets his or her changing needs;
- Many drug-addicted individuals also have other mental disorders;
- Medically assisted detoxification is only the first stage of addiction treatment and by itself does little to change long-term drug abuse;
- Treatment does not need to be voluntary to be effective;
- Drug use during treatment must be monitored continuously, as lapses during treatment do occur;
- Treatment programs should assess patients for the presence of HIV/AIDS, hepatitis B and C, tuberculosis, and other infectious diseases as well as provide targeted risk-reduction counseling to help patients modify or change behaviors that place them at risk of contracting or spreading infectious diseases;

14.1.2.5 TEN PREREQUISITES FOR A SUCCESSFUL TREATMENT PROGRAMME

There are five recognized preliminary steps the addict will have to follow before joining any type of treatment programme:

1. A very honest and sincere resolution to stop lying to himself in the first place and then to members of his family;

2. In his sincere move to regain control of his life and recover his freedom from addiction the following famous words of Lady Diana during an international workshop on Treatment and Relapse Prevention might be of great help for the development of personal effort and firm determination: "YOU ALONE CAN DO IT, BUT YOU CANNOT DO IT ALONE";

3. In order to prevent relapse, he needs to identify his own relapse triggers so that he avoids falling in the same traps again;

4. The development of a firm commitment and an authentic and unshakable conviction towards God, if he is a believer, towards himself, his spouse, family, relatives and society at large;

5. The patient must be brought to understand and know how to cope and manage a period of ambivalence and doubt during the early stages of treatment. He might persistently think of his own previous relapses or of other abusers who have tried to quit on several occasions but relapsed again;

6. Always remember that combatting addiction is a permanent uphill fight. The addict must constantly remember that there will be many changes in front of him. It is always helpful to imagine himself in a ditch because of addiction and in such a difficult situation the only way out is to climb and not to dig further. Each time

the addict diverts from his treatment protocol and goes back to drugs, he will be digging further with a sharp hoe;

7. Once the detox phase is over, and he is no longer experiencing withdrawal the recovering addict must be constantly on guard against psychological dependence which may stick to him for life. He can be compared to an immigrant who keeps on suffering from homesickness.

   In order to cope with the psychological dependence, again like the immigrant, he will need new positive contacts, new linkages and bondage. In his new drug-free lifestyle he will have to develop new life skills and make personal choices instead of going along with the crowd;

8. The belief that one is definitely cured after a fairly long period of abstinence. Under specific circumstances this person may be tempted to take a dose of drug. Two things could result eventually –

   (i) He might relapse the very next day and start to consume the drug again on a daily basis;

   (ii) He does not relapse and stay abstinent for a number of days or week. Then the idea that there is no need to remain totally abstinent and that he could safely take an occasional dose. Then a second or a third dose will bring about a full-blow relapse.

9. The treatment protocol must necessarily make provisions for not only individual psychotherapy but also group and family counselling sessions. In so many cases the members of the family themselves are discouraged and disappointed after a simple lapse following a period of abstinence. They let the dependent person down and what is worse, kick him out of home. This in turn gives rise to helplessness, hopelessness and despair provoking a full-blown relapse;

10. The last but not least the Golden Rule of such a commitment is to follow the treatment protocol 100% by sticking to truth, sincerity, honesty and frankness by all means.

14.1.2.6 BEST PRACTICES - NATIONAL INSTITUTE ON DRUG ABUSE

The National Institute on Drug Abuse (NIDA) compiled a booklet that outlines principles of effective treatment, both in the community and in the institutional setting. This document is based on review of several studies and meta-analyses. NIDA identified the following thirteen principles of effective treatment:

1. There is no single treatment modality that is appropriate for everyone. Treatment settings, interventions and services should be matched to each person's particular problems and needs.

2. Treatment needs to be readily available and accessible so that willing persons can participate.

3. Effective treatment addresses the multiple needs of the individual, the drug use and any associated medical, psychological, social, vocational and legal problems.

4. An individual's treatment and services plan must be assessed continually and modified as necessary to ensure that the plan meets the person's changing needs.

5. Remaining in treatment for an adequate period of time is critical for treatment effectiveness. Research indicates that for most patients, the threshold of significant improvement is reached at about 3 months in treatment.

6. Counselling (individual and/or group) and other behavioural therapies are critical components of effective treatment for addiction.

7. Medications are an important element of treatment for many patients, but only when combined with counselling and other behavioural therapies. For patients with mental disorders, both behavioural treatments and medications can be critically important.

8. Addicted or drug-abusing individuals with coexisting mental disorders should have both disorders treated in an integrated way. Offenders presenting for either condition should be assessed and treated for the co-occurrence of the other type of disorder.

9. Medical detoxification is only the first stage of addiction treatment and by itself does little to change long-term drug use. This is also true for abstinence.

10. Treatment does not need to be voluntary to be effective. Strong motivation can facilitate the treatment process. Sanctions and enticements (family and employment, for example) can increase treatment entry, retention and the success of drug treatment.

11. Possible drug use during treatment must be monitored continuously. The monitoring of drug and alcohol use during treatment can help the patient withstand urges to use drugs and also provide early evidence of drug use so that individual's treatment plan can be adjusted.

12. Treatment programs should assess for HIV/AIDS, hepatitis B and C, tuberculosis and other infectious diseases, and provide counselling to help patients modify or change high-risk behaviours.

13. Recovery from drug addiction can be a long-term process and frequently requires multiple episodes of treatment. As with other chronic illnesses, relapses to drug use can occur during or after successful treatment episodes. Participation in self-help support programs during and following treatment often is helpful in maintaining abstinence.

14.1.3 RELAPSE PREVENTION AND REHABILITATION

14.1.3.1 THE MOST COMMON CAUSES OF RELAPSE

Research has clearly shown that the following are the most common causes of relapse:

1. Negative peer influence has been recognized as a major cause of initiation to drug use as well as one of the two main causes of relapse second only to curiosity. The very concept of friend or peer in this context needs to be demystified.

   On the other hand we must admit that putting an end to a relationship based on drug abuse and addiction is quite difficult. Such a breach of relationship requires a lot of courage and determination and can affect both parties diversely and at times dramatically. The patient must never forget that his "ex-friends": are among the carriers of the disease and they represent serious risks of reinfection.

2. Being in the presence of drugs, drug users or in a place where the abuser used to consume drugs.

3. Failing to cope with highly negative feelings and emotions such as anger, sadness, solitude, monotony, sense of guilt, fear or anxiety and stress.

4. Paradoxically, failure to cope with highly positive feelings and events such as a long awaited promotion, a birthday, marriage, etc.

5. A feeling of being rejected and abandoned by the family, relatives and society.

6. Strong social, religious or cultural pressure.

7. The experience of euphoria caused by the consumption of any drug, including prescribed psychoactive substances.

8. Listening to stories or watching movies or documentaries glamorizing euphoria associated with drug use.

9. The sudden availability of a big sum of money.

10. Occasional use or misuse of psychotropic substances.

11. The unwarranted attitudes and behaviours of the abstinent and also the religious milieu: prejudice, a judgment attitude, mistrust because of a long history of relapses. The reject the "sinner" instead of condemning the "sin".

12. With regard to alcohol, the expectation of parents and close relatives associated with a fear to explain that one is under treatment, can cause a relapse.

13. The lack or absence of new leisure's support networks for a new lifestyle after a long period of abstinence.

14. The belief that one is definitely cured and that one can have an occasional taste just for fun.

    There are two possible outcomes to this attitude. Firstly, the first drink or drug intake will lead to a lapse and eventually to a full-blown relapse. Secondly, the patient does not relapse and develops a false sense of self-confidence and security and says to himself/herself that there is no need to lead a totally abstinent life and that he/she may take a dose every now and then. He/she will eventually fall into a full-blown relapse.

14.1.3.2 RECOMMENDATION

The Commission strongly recommends that a technical committee of experts compromising psychiatrists, psychologists, sociologists, experienced social workers in the field of treatment examine further the common triggers and causes of relapse. All treatment providers, public, private or NGOs should lay much emphasis on Relapse Prevention and long-term follow-up.

14.1.3.3 THE IMPORTANCE OF EMPLOYMENT IN THE SOCIAL REHABILITATION PROCESS

Apart from the salary, a stable employment provides:

- A structure and a sense of time and space;
- A reorientation of the addicts' energy and preoccupation;
- An occasion to develop new positive peers and co-workers;
- A positive and well-regulated social environment;
- A sense of accomplishment, fulfilment contribution and restitution to the family and society;
- A practical learning/relearning process and environment;
- An occasion to develop a number of knowledge and technical and social skills;
- A sense of significance, connection and growth;
- A practical and enriching way of valuing and managing hard gained money in a responsible and autonomous manner;

14.1.3.4 SETTING UP OF A NATIONAL TREATMENT AND REHABILITATION CENTER (NTRC)

The Commission has heard all the stakeholders in the field of prevention, treatment and rehabilitation and finds that the manner in which the drug abusers are being looked after requires a new approach in view of the dissatisfaction voiced out by too many NGOs. Although there is allegedly some 80,000 drug abusers in the country and some 20,000 intravenous drug abusers, the Government, thought it fit, with all its desire to follow the recommendations of the experts of UNODC, set up, allegedly, on an experimental basis a residential unit for rehabilitation and treatment of drug abusers within the Mahebourg hospital capable to cater for only 12 patients who are referred to the unit after

induction by certain NGOs. There has been a lot of criticism in the way the matter was handled.

The decision to do away with the methadone therapy programme to be substituted with the Naloxone and Suboxone Therapy programme has also been criticised by many NGOs despite the goodwill of the professionals involved who are experts in the field of addictology and detoxification. The good intention of the Government to show empathy to the drug abusers has been the setting up of addictology antenna around the country.

There are so many gaps that have been the cause of friction between the Ministry of Health and Quality of Life for some NGOs have got the feeling that they have been put on the touch line.

The Commission considers that there must be a new holistic approach. Since there is a scarcity of experts in the field of drug treatment, be it addictologists, psychologists, qualified nurses and others, there must be a special center grouping all of them under one roof, to be a center of excellence with all modern facilities, managed by the experts with committees to draw up protocols where all interested qualified stakeholders can participate and share the best practices they have developed over the years of having been on the field and providing advice and support.

The center will be the showcase of modern treatment for prevention and rehabilitation amongst others for the region, grouping under one roof all the experts, to manage residential, day care and out-patient units. It will also provide all statistics to the NDPC. With the expected reputation, other countries in the region can emulate the system and it may even accept foreign patients on payment of a fee thus putting in reality the concept of medical tourism.

RECOMMENDATION

The Commission recommends that the *Petit Verger* Prison be converted into a National Treatment and Rehabilitation Centre for that purpose. Since a category of drug offenders will be removed from the traditional Criminal Justice System, many would not be in prison and the Prison Administration can do away with that prison as there are rooms at the Melrose prisons.

The patients will be referred to the NTRC by the following bodies:

- The Drug Offender Administration Panel [DOAP];
- The toxicology units of public hospitals;
- The NGOs;
- The Community Task Forces;
- Any user/abuser who comes on his/her own;

A committee composed of a multidisciplinary team of psychiatrists, psychologists, psychotherapists, experienced grassroots social workers from accredited NGOs and Probation Officers will design appropriate protocols of treatment and follow-up modalities in order to prevent relapse as far as possible.

14.1.3.5 FUNCTIONS OF THE NTRC AND ITS COMMITTEES

It is imperative for the success of the NTRC that the various committees under the responsibility of the director of the centre take into considerations the different aspects of prevention, treatment, rehabilitation as recommended. The matters to be looked into are:

- Screen and assess patients at admission.
- Provide tailor-made treatment programme for residential, inpatient and outpatient.
- Work in close collaboration with the addictology units of the public hospitals and the DOAP.
- Monitor the implementation of Opioid Substitution Therapy (Methadone, Suboxone, Naltrexone).
- Make recommendations regarding diversion and trafficking of medications at dispensing sites.
- Monitor the tapering off of daily doses for Methadone, Suboxone and Naltrexone.
- Follow up of victims of new synthetic drugs following the release of the patients from hospitals.
- Psychosocial follow-up.
- Training of medical, paramedical and NGOs.
- Provide counselling to the general public.
- Refer patients to NGOs for long-term follow up.
- Collection and dissemination of statistics to the NDPC.
- Liaise with WHO, UNODC and other relevant international bodies.
- Liaise with CSR committee for job placement.
- Work in close collaboration with the Harm Reduction Unit of the Ministry of Health and Quality of Life. [will be scrapped] ?????
- Participate actively in mass sensitization campaigns targetting students and out-of-school youth and the general public in collaboration with NGOs and the CWT.
- Scaling of Harm Reduction strategies in collaboration with NGOs aiming at reaching a maximum coverage of the drug injecting population.

14.1.3.6 NEW ROLES AND RESPONSIBILITIES OF THE PROBATION OFFICERS AND SOCIAL WORKERS

In the new treatment setting and modality to be put in place for detainees or drug users who will be referred by the JAP and the DOAP, the probation officers and social workers will have a major role to play. They will be called upon to act as bridge builders between the 'patients' and the family and the community at large. They can help a great deal in providing support and counselling and follow closely the rehabilitation process with the collaboration of NGOs.

With their wide experience from working with high-risk youth at the Rehabilitation Youth Centre and the Correctional Youth Centre, they can be of paramount importance in the follow up of detainees after their release from

prisons and also by acting as resource persons of the National Treatment Centre in their prevention campaigns in the schools and the community.

14.2 TREATMENT REHABILITATION AND RELAPSE PREVENTION IN THE CARCERAL SYSTEM

"WE BUILD JAILS FOR PEOPLE WE'RE AFRAID OF AND FILL THEM WITH PEOPLE WE'RE MAD AT" Pat Nolan, Vice President, Prison Fellowship.

The simple truth is that prisons exist to deprive people who have been found guilty of their liberty, to punish them for the crime they have committed. Moreover, also to some extent for those who have unsuccessfully applied for bail and who are therefore placed on remand pending trial. They should not be mixed with those who have been convicted for they are still presumed to be innocent as they have not been tried. This is why they are governed by a different regime.

Too often it has been forgotten that the objective of locking up people is four fold: (i) to protect the public; (ii) to maintain order and safety; (iii) to reform offenders with the aim of preventing more crimes from being committed and (iv) prepare prisoners for life outside prison for they are bound one day to return back to the community.

The prisons must not be the nurseries of crime as we have received cogent evidence in that respect. It should have been a centre of industry for rehabilitation and preparing the return of prisoners to the community. Since an idle mind is the devil's workshop, every effort must be geared at occupying the inmates with productive activities, be it for further education as we have witnessed in respect of some detainees who have successfully passed university examinations or to encourage them, to train them in some useful professional activities for which they should be remunerated.

The prison must be run with a purposeful regime namely rehabilitation and for that purpose, the prisoners must be kept occupied in activity to help their returns, to be reformed and ultimately to regain his/her lawful place within the community and amidst the family and more especially, they must contribute for their upkeep.

There should be a paramount shift in the prison administration. A new vision of what a prison should be and how it should be administered bearing in mind that the ultimate crucial goal is rehabilitation and the preparing of the inmates for their return to the community. Wardens should not just be security guards. They should also act as mentors, trained in that respect in order to be able to take up the challenge of transforming lives.

The problems do not end if a prisoner leaves jail clean. Without the necessary support, a former addict will quickly rekindle a doomed love affair with drugs. There is an urgent need for the development of a comprehensive harm reduction strategy in prisons as well in order to have all the chances of not seeing an increase of recidivism amongst former drug abusers.

Here again there is a crying lack of data collection from the epidemiological and research points of view. Social scientists with the support of the Mauritius Research and Productivity Council and the Central Statistical Office should be able to design relevant questionnaires to capture these data from hospitals, prison, schools, customs,

police, ADSU, probation service, the judiciary, to enable the proposed Apex Body, the National Drug Policy Commission, to develop the strategies to tackle the drug problem at all levels.

To break the Revolving Door concept attached to prisons, we must concentrate on a Restorative Justice approach. A period of incarceration provides a golden opportunity to connect and often hard to reach and underserved population to treatment while in a relatively stable setting. There need to be a culture change in how we approach the goals of incarceration, including how we use solitary confinement.

We must aim at making our prisons a life-skill school and stop further stigmatizing them as prisoners, criminals, offenders, detainees. There is no doubt that there should be a different regime for violent abusers. The prison must prepare them to go back to their communities and provide them with coping skills and job skills. A modern prison must mimic the outside world. If prisons by nature are reactive to crimes, treatment providers in the prisons must help the CWT and the community at large to become proactive. At entry points they must be assessed about their needs to channel them to the most appropriate program. They must be brought to understand that they are being given the opportunities to take care of their lives and take their destiny in their hands. For all these reasons amongst others, the Commission has considered the usefulness of the setting up of the system of *Juge d'Application des Peines*.

Prisoners must be notified at the time of incarceration that the *Juge d'Application des Peines* will be kept informed of their response to treatment. This new approach must prepare them to keep away from peoples, places and environment that led them to prison. The real prison is in their heads: their addiction. They must be taught how they can come to terms with their true nature and pay back what they have taken from their family and the community by becoming productive citizens. Drug dealing is not an option anymore.

14.3 OTHER FEATURES AND CONCEPTS TO BE INTRODUCED IN THE THERAPY FOR DETAINEES.

Prisoners only lose their liberty of movement along with certain facilities. But when it comes to treatment, they must be able to receive what is obtained outside the prisons. A proper unit must be set within the prisons to enable them to receive the necessary treatments and while they are incarcerated, officers from the NTRC should be there since for those released on parole, the JAP may impose a condition that they attend the NTRC for follow-up and for those having completed their terms, the role of the NGOs will be crucial for long term support.

The following issues must be addressed by the Prison Administration:

(a) Need for a multidisciplinary team of counsellors;
(b) Linkage with authorized representatives of the CWT of their region;
(c) Those who follow their programme successfully must be invited to convince and bring other inmates to join the program on an EACH ONE TEACH ONE principle;

(d) The inmates must be challenged to work harder than they have ever worked before and they must constantly be reminded of the NO PAIN, NO GAIN principle;
(e) Give them a goal that they think is impossible to active and push them to achieve it;
(f) Hold them accountable for the new and profitable opportunities being provided to them.

14.4 ROLE OF NGOS

14.4.1 PSYCHOSOCIAL SUPPORT

Many countries have failed in addressing the drug issue due to a lack or weakness of the psychosocial component. The Commission recommends that all the treatment programs being offered need to be accompanied by well-structured psychosocial support services with a clearly defined roles and responsibilities of the personnel involved. Nothing prevents the involvement of the NGOS in specific circumstances. There is a common saying that all drug users have similar behaviour, response, action and reaction. However, the profile of the Mauritian drug abusers is very different as compared to other countries due to certain specificities, which needs to be addressed in a different way and the local context.

14.4.2 DISPENSING SITES

The presence of the experts at the dispensing sites for counselling, sensitization, collection of data and monitoring of the syringes is a crucial factor. The NGOs should be more proactive especially at the methadone dispensing sites. The NGO's role in the needle exchange programme is an integral element of the harm reduction strategy to reduce transmission of HIV and other blood-borne viruses via sharing of injecting equipment as well as to minimize other harms linked to injecting drug use. The psycho social follow up of methadone patients rest mainly under the responsibility of the referral NGOS which with time has proved to be the weak link of the programme, as many of them are not active at the dispensing points.

14.4.3 OUTREACH PATIENTS

Public officers work during a specific period and will be unable to provide services at odd hours. Many NGOs are fully aware of the unavailability of certain essential services and thus their interest. This must be commended.

Backpack outreach workers of certain NGOs go to the communities to facilitate access to services to people who inject drugs and who may not easily access fixed sites or mobile vans.

14.4.4 THE CODEINE PHOSPHATE PROGRAMME

The Codeine Phosphate Programme conducted at 5 NGO premises namely, Dr I. Goomany Centre, HELP Deaddiction Centre (Hindu House), Sangram Sewa Sadan (St Paul), Centre de Solidarité (Rose Hill), Chrysalide Centre Bambous (Females) has

to be reviewed because at international level, it is no longer considered as evidence based treatment option for people who use drugs.

14.4.5 FUNDING MODEL

The Funding method to the NGOS has to be reviewed, regulated through a model and funds be released subject to submission of projects which will be monitored and evaluated by the NTRC/NDPC. Conditions for the funding by the State must be laid down and complied with. There must be monitoring and supervision by the State.

CHAPTER 15: THE TRACKING OF FUNDS IN ORDER TO IDENTIFY ILLICIT ACTIVITIES [TOR XII]

15.0 INTRODUCTION

There exists already a number of agencies set up under different laws to track funds to identify illicit activities. The Commission has looked into the objects of those institutions and notes that there is an overlapping of duties, if not duplication, as will be highlighted below. The Commission considers that several institutions doing the same duties is costly to the country bearing in mind the lack of success in bringing the offenders to face retribution. The Commission, after looking into the objects, cooperation, the inability of sharing information due to confidentiality clause, has made recommendations to remedy the situation.

15.1 FINANCIAL INTELLIGENCE UNIT [FIU]

The FIU was set up in 2002 under the Financial Intelligence and Anti-Money Laundering Act 2002. It is the central agency responsible for receiving, requesting, analysing and disseminating to the relevant authorities disclosures of information concerning proceeds of crime, alleged money laundering or terrorism financing. The FIU receives suspicious transaction reports from banks, financial institutions, cash dealers and members of relevant professions. It also receives referral from the police and from the ICAC. It has the powers to request for additional information from the reporting entities, foreign FIUs and other government agencies. It is indeed an institution gathering information and intelligence for analysis and disseminating the result to the enforcement agencies.

15.1.1 REFERRAL AND DISSEMINATION OF INFORMATION

After analysis of the information gathered, and in the event of reasonable suspicion that a money laundering offence or other offences have been committed, the FIU relays the information to the police, ICAC or other enforcement authority. It may also disseminate information to other supervisory authorities i.e. the Bank of Mauritius and the Financial Services Commission when regulatory breaches have been committed. When suspected tax evasion or physical transportation of cash is detected, the MRA and the Customs are alerted.

15.1.2 STATISTICS CASES ESTABLISHED

According to the statistics compiled by the FIU, since its creation, it has received a number of reports and referrals related to drug trafficking. The table below shows the statistics regarding cases where a connection with drug dealing or trafficking has been established as at the time the responsible officer deposed before the Commission.

Reporting Institution	2011	2012	2013	2014	2015	Grand Total
Enforcement Authority [Asset Recovery Unit]	1	39	41	16	5	**102**
Banks	7	9	7	1	1	**24**

Self-Generated	0	0	1	0	5	**6**
ICAC	1	1	1	0	1	**4**
Overseas FIU	0	0	1	1	0	**2**
Anonymous Letter	0	0	0	1	1	**2**
Customs	0	0	0	0	1	**1**
Police	0	0	0	0	2	**2**
Money Changers	0	0	0	0	1	**1**
Grand Total	**9**	**50**	**51**	**19**	**17**	**146**

According to the FIU, the low numbers reported from the banks is explained by the fact that the suspicious transactions reporting concerns unexplained cash transactions which the FIU opined are likely to be related to drug money but as it has no evidence, those cases had been referred to the MRA. In 2015, FIU on its own initiative enquired into 5 cases following media reports of significant drug seizures and after meeting with the head of the ADSU.

The table below shows the type and value of drugs in relation to the cases reported.

	STREET VALUE					
TYPE OF DRUGS	**2011**	**2012**	**2013**	**2014**	**2015**	**Grand Total**
HEROIN	0	188,980,000	38,774,500	38,395,500	0	**266.150,000**
CANNABIS	547,350	1,619,900	7,227,300	4,648,000	5,400,000	**19,443,510**
N/A	0	1,000,000	7,500,000	398,000	9,840,000	**18,738,000**
HEROIN/ COCAIN/ SUBUTEX	0	0	4,000,000	0	0	**4,000,000**
SUBUTEX	0	134,000	300,000	1,428,000	0	**1,862,400**
CANNABIS/ HEROIN	0	1,000,000	27,300	0	0	**1,027,3000**
NITRAZEPM/ ZOPICLONE/ DIAZEPAM	0	0	11,500	0	0	**11,500**
GRAND TOTAL	**547,360**	**192,734,300**	**57,840,660**	**44,870,480**	**15,240,000**	**311,232,770**

The FIU identified the processes used for laundering drug money. Banks had been used and there have been purchases of boats, car, real estate. Laundering has been effected through companies and nominees, in casinos and gambling houses and at the race course. The table below is a summary of its analysis.

YEAR	**BANK**	**BOATS**	**CARS**	**USE OF COMPANIES**	**REAL ESTATE**	**NOMINEES**	**OTHE ASSETS**

2011	6	0	3	2	1	3	0
2012	14	1	16	12	10	15	4
2013	13	1	18	15	6	18	8
2014	4	1	4	2	3	4	2
2015	5	0	3	4	4	6	1
GRAND TOTAL	**42**	**3**	**44**	**35**	**24**	**46**	**16**

The method of laundering through bank is made by either depositing in own account or in accounts of associates or family members and companies where money is mingled with corporate income. A number of bank accounts were used in different banks under different names making detection difficult. FIU had a breakdown of the cash deposit effected and the total inflows in the account.

YEAR	CASH DEPOSIT	TOTAL INFLOWS IN ACCOUNT
2011	5,735,910	6,811,043
2012	46,821,356	105,454,879
2013	11,383,146	208,507,234
2014	2,597,800	3,946,534
2015	2,099,788	112,605,401
GRAND TOTAL	**68,638,000**	**637,325,091**

15.1.3 PREFERRED METHOD OF LAUNDERING MONEY

15.1.3.1 PURCHASE AND RESALE OF CARS

The preferred method used to launder money is the purchase of cars in cash followed by sale and the deed of sale is shown to the bank as proof of the source of money, thus having clean money returning back into the circuit through bank. An individual was found to have purchased and sold more than 10 cars in a year. Enquiry revealed that the cars might be declared as total loss and what was really required was the paper trail showing the amount.

15.1.3.2 PURCHASE OF REAL PROPERTIES

Purchase of real property with payment '*hors la vue du notaire*' is usually effected in cash and the subsequently sale with deposit by cheque in bank without arousing suspicion as the bank is satisfied that the money was from proceeds of sale of property. No notary had ever reported suspicious transaction.

15.1.3.3 OTHER PURCHASES

Laundering by purchase of boats, jewels, foreign currency are also common. Companies are used and the payment to the person concerned is justified as management fees, consultancy fees or refund of loan.

15.1.3.4 LEISURE LAUNDERING

The Commission has also been informed of Leisure laundering by pedlars who after making money would spend huge sums in casinos, race course, renting bungalow and having huge party, restaurants, purchase of jewels, expensive watches and clothes and on electronic gadgets. It is using drug money to fund lifestyle rather than purchasing assets. Whereas the traffickers, some having full time employment, would spend huge amount in casinos using credit cards which were later replenished by cash deposit.

15.1.3.5 GAMBLING

It is with the complicity with certain gambling house that money laundering is carried out, the alleged gambler after exchanging cash for chips would either not play and cash the chips or would accept to lose a few thousand and would cash the remainder. The Commission has evidence that the individual is never alone but in group and money laundering per night may run to millions. Casino and horse racing receipts have been used to justify the source of fund.

The gambling sector is very problematic as transactions are effected in cash and launderers produce casino receipts or from bookies as proof of gains. Never had there been any report of suspicious transactions being reported to FIU although the gambling sector is regulated by the Gambling Regulation Authority.

15.1.3.6 MONEY CHANGERS

Money changers and other Money Cash Transfer Services are vulnerable for the financing of purchase of drugs. Foreign currencies are transferred through Money Cash Transfer Services by using a good number of individuals so as not to arouse suspicion or purchases effected from Money Changers and transported abroad by accomplices. The FIU had never received any report of suspicious transaction.

15.1.3.7 HAWALLA

FIU is also anxious of the Hawalla system which is present in Mauritius where A wants to send money to D in another country, A goes to B who sends the money to C its counterpart in that country with instructions to give money to D. Money is transferred cash leaving no trace.

15.1.3.8 PURCHASE OF IRS PROPERTIES BY TRAFFICKERS OF FOREIGN NATIONALS

The Commission has been informed by FIU of cases of money laundering in the offshore as well as traffickers from South Africa through their lawyers purchasing Integrated Resort Scheme property. Another area of concern is the stock exchange.

15.1.3.9 CONFIENTIALITY ISSUES

The Commission notes with concern the difficulty of the FIU to obtain detailed information from the other stake holders as the law prevents the disclosure of confidential information [vide section 81 of the Prevention of Corruption Act and section 154 of the Income Tax Act]. This is certainly preposterous as at times the matters had been referred by the ICAC or the MRA to the FIU for investigation and it makes no sense that whatever information in possession of those stakeholders could

not be provided. Even if the case was not referred by those stakeholders, there is no reason why an institution set up by law to investigate on money laundering could not obtain crucial information when all those institutions had been set up for a simple purpose namely to combat corruption, to prevent money laundering amongst others.

15.1.3.10 NATIONAL COMMITTEE ON MONEY LAUNDERING AND TERRORISM

The Commission also notes that there are meetings with those stakeholders under the National Committee on Money Laundering and Terrorism Financing whose role is to assess the situation in Mauritius and to make recommendations to the Minister for amendments that might be necessary to change the law and update the law.

Apparently there are number of deficiencies in the whole framework especially insufficiently tackling the non-financial businesses like the gambling sector and jewelry sector in the absence of specific regulations despite the fact that FIU issues guidelines which are merely administrative with no criminal sanction.

15.1.3.11 RED TAPE

FIU cannot get information from the bank or the telephony service provider without first obtaining a Judge's Order and where time is of the essence, lost opportunity wasted because of the delay.

To be able to track drug traffickers, FIU proposes a system used by the French Authority, the *fichier des comptes bancaires* where all banks have to upload information regarding the bank account number, the name of the bank, the currency, the address, the ID number of the person and if it's a company or '*société*', the ultimate beneficial owner and the shareholders and office bearers. This system would be easy to implement as there is already a database for loans, the MCIB register which all banks have accessed to know the creditworthiness of individuals and companies.

Many careless drug dealers had been topping up their mobile phones through the bank thus leaving traces which phones had been topped up and such information can be obtained quickly and allows tracking the dealers.

15.1.3.12 HOW FOREIGN CURRENIES LEAVE THE COUNTRY

For currencies leaving the country carried by nominee accomplices, the presence of a currency sniffer dog would be a deterrent at the airport which unfortunately is not available presently and the customs is effecting random check which is just a lottery as evidence shows that many have succeeded in leaving the country with quite an enormous amount of foreign currency. In the case of Gros Derek, the Imam was carrying thirty thousand to fifty thousand euros in his suitcase. In cases investigated by FIU, numerous transfers for a long period through Money Cash Transfer Services had been noted before the individual was caught.

15.1.3.13 COLLABORATION

The need for exchange of information between the Customs and the Passport and Immigration Office would be useful in mapping individual. A weak point is the money changers from whom no suspicious transaction was ever reported The licence of a money changer had to be revoked after report by FIU

15.1.4 RECOMMENDATIONS

(a) The Commission recommends that for the FIU to be able to investigate fully, the law should be amended so that the hurdle of confidentiality of sharing information does not apply;

(b) Proper regulations must be made to compel the mandatory reporting of suspicious cash transaction in the non-financial business sectors as identified by FIU;

(c) Latest state of the art technological tools should be made available to enable the gathering and feeding of all information in a common database;

(d) The linkage of the computerised system of the various stakeholders to obtain information in a fraction of a second where time is of the essence;

(e) Since the amount of money for drug transaction runs in billions and only a few millions can be traced, the Commission recommends that all cash transactions over a certain amount through the banking sector, the insurance companies, the money changers and the Money Cash Transfer Services, the non-financial sectors including hotels and restaurants should be reported to a centralised data base with the FIU to enable the latter to analyse the pattern of any person on whom information is required by the Law Enforcement Agency;

(f) As traffickers also shield behind companies, the Registrar of Company is under an obligation especially when bogus companies have been incorporated with no annual returns made to report the matter to the FIU;

(g) In the event that there is an issue of funding, the Commission is also anxious to recommend the revamping of all those institutions to put them under one umbrella with specialised divisions so that there is no duplication of work at great expenses and for which the result is not that brilliant, the more so that there seems to be an overlapping of duties. Moreover, there is a super powerful creature under the Good Governance and Integrity Reporting Act 2015 to which ICAC, FIU, MRA, Bank of Mauritius, Ombudsman, the Judiciary, Director of Audit, officers of corporate body and integrity officer of public interest entity are bound to make a written report if there are reasonable grounds to suspect that a person has acquired unexplained wealth and for which there is no issue of obtaining confidential information.

15.2 ASSET RECOVERY UNIT

The Enforcement Authority established following the enactment of the Asset Recovery Act 2011 to recover property derived from an illegal activity which was formerly under the responsibility of the Director of Public Prosecutions was in November 2015 transferred to the Financial Intelligence Unit.

15.2.1 ITS ROLE

The role of the Asset Recovery Unit [ARU] is (i) to disrupt crime and to make Mauritius a hostile environment for criminals by recovering proceeds from unlawful

activities; (ii) to ensure that crime does not pay and (iii) to help in the fight against crime and assist the victims of crimes and (iv) to take the profit out of crime.

15.2.2 RESTRAIN AND RESTRICTION ORDERS

Application for Restrain and Restriction Orders are usually made at a very stage of the criminal investigation to court using sensitive information in possession of the enquiring officer. There has been complaint as to whether the ARU should not be under the umbrella of the office of the Director of Public Prosecution as it is that office which receives all information from the investigators.

15.2.3 STATISTIC OF CASES DEALT

According to the statistics kept by ARU, in respect of cases of drug dealing/trafficking, the investigation carried out was as follows:

For 2012, 47 cases were referred, out of which for 39, no further action was advised and 8 were still under enquiry. There were 6 Restrain/Restriction Order applied and four cases were awaiting the judgment of the criminal case, one awaiting to be referred to court and one where the accused had been convicted, and the ruling for the recovery order awaited. Whereas in the year 2013; 45 cases were referred out of which for 39, no further action was advised and 6 were still under enquiry. Two Restraining/Restriction order were still under investigation. The number of cases investigated in 2014 increased to72 cases, out of which for 62, no further action was advised and 10 were still under enquiry. There were three Restrain/Restriction order out of which two were still under enquiry and one, awaiting judgment of the criminal case. In 2015, there were 56 cases investigated, out of which for 30 of them, no further action was advised and the remaining 26 were still under enquiry. Four Restraining/Restriction order were still under enquiry.

15.2.4 RECOMMENDATIONS

1. The Commission notes the poor result of the ARU since its inception. The protracted investigation of cases when the ARU as its name suggest was to deprive the drug traffickers of their ill-gotten wealth. The Commission recommends that the law should be amended so that forfeiture of ill-gotten wealth should be automatic after conviction of a person suspected in drug business and a freezing order already granted by the Court. The burden should be on the suspected person to satisfy the Judge in Chambers to show cause why his assets should not be forfeited following his conviction.

15.3 ICAC

15.3.1 ESTABLISHMENT AND FUNCTIONS

ICAC is empowered under the Prevention Of Corruption Act 2002 [POCA] and its function amongst others is to detect or investigate into any act of corruption and to detect and investigate any matter that may involve the laundering of money or suspicious transaction that is referred to it by the FIU [vide section 20], an institution created under the Financial Intelligence and Anti Money Laundering Act 2002.

Under section 54 of POCA, ICAC has powers of property tracking and monitoring order. Under section 84, it is empowered to investigate on any public official or any

person suspected of having committed a corruption offence to make a statement under oath of all the assets and liabilities and of those of his relatives and associates.

It is under those sections that ICAC investigate to pursue the tracking of funds not only in respect of corruption but also in relation to money laundering most specifically in relation to drug trafficking.

For the past13 years about 442 drug related complaints had been investigated and at least 50% of them have not been looked into because it was vague and not within the mandate of ICAC, 35% were unfounded. Only 12 cases were successfully prosecuted before court.

ICAC has power to start an investigation *proprio motu*, from anonymous complaint and by referral from the FIU. Most of the complaints were anonymous and in many of those cases, information was insufficient for ICAC to proceed any further, Complaints received were sieved by officer to decide what information warrants to be looked into and sent to the Board.

15.3.2 THE VEXED COLLABORATION

The Commission finds it odd that the FIU which has been specially set up as the central agency for the purpose of '*receiving, requesting, analysing and disseminating to the investigatory and supervisory authorities disclosures of information*' is not communicated with information when requested to the ICAC on the ground of confidentiality under section 81.

A proper reading of that section in its sub-clause (5) will reveal that the stand of ICAC is incorrect as the latter can '*with the express written concurrence of the Director of Public Prosecutions disclose such information to an agency in Mauritius and abroad other than its source necessary to assist an investigation into money laundering or any other offence*'.

Moreover under section 20(p), ICAC is '*to execute any request for assistance referred to it by FIU*' and under (r) '*to co-operate and collaborate with the FIU in fulfilling common objectives'*.

The Commission is therefore of the view that there is no obstacle in sharing information with FIU, the more so if it is the latter who had referred cases to ICAC and all those institutions are fulfilling a common goal. Nothing prevents the various stakeholders fighting the same blight for a fruitful collaboration to come up with a memorandum of understanding for the efficiency of the services and also not to cause protracted delay in cases where time is of the essence.

15.3.3 SEVERAL INSTUTIONS SAME HUNTING GROUND

A reading of the various legislations[POCA, ICAC, FIAMLA, Good Governance and Integrity Reporting etc] reveal that there is an overlapping of functions and the Commission recommends the review of all those legislations so that all of them be grouped under one umbrella with specialised divisions in different fields which would lead to optimising the use of personnel, administrative costs and data collection in a mega data base in compliance with international norms, the more so that many of those commissions have their counterparts in other countries.

The Commission is also concerned with the low number of cases in relation to money laundering dealt with by ICAC and successfully prosecuted. The Commission is fully alive to the difficulty in obtaining information thus the necessity of reviewing the methodology of investigation for in the absence of credible information from which can be distilled intelligence, the change of successful prosecution will no doubt be low compared to the huge costs which had to be invested in personnel and equipment.

The Commission understands that the ADSU seldom refers to ICAC cases of money laundering as there is an offence under section 39 of the Dangerous Drugs Act which provides a fine not exceeding Rs1m and to imprisonment for a term not exceeding 20 years whereas under the Financial Intelligence and Anti Money Laundering Act for the offence of money laundering the penalty is a fine of Rs2m and to penal servitude not exceeding 10 years.

15.3.4 RECOMMENDATIONS

(a) The Commission recommends that the Attorney General in his wisdom would, under section 6 of the Law Reform Commission Act, request the Law Commission to review all the laws referred to above and to harmonise the powers of the various Enforcement Bodies in order to avoid duplicity of functions;

(b) The Commission recommends that all those bodies should be brought under a single umbrella, the 'Independent Financial and Anti-Corruption Investigation Commission' with different specialised divisions to perform the duties of tracking corruption and money laundering and having a special attention to the management companies in the offshore sector where foreigners are using Mauritius as a vehicle for money laundering. This new Commission shall have the sole responsibility or in charge of investigating into those pernicious offences.

15.4 GAMBLING REGULATORY AUTHORITY [GRA]

15.4.1 MONEY LAUNDERING

The Commission received information that money laundering was effected in casinos, gambling houses and at the race course. The Commission probed into the matter and sent its Investigation Team accompanied by the MRA and the GRA. From the report submitted by the GRA, it is clear that the GRA is incompetent to carry out any effective control putting forward as excuse the absence of personnel. Despite the fact that during the visit it was found that the gambling houses were in breach of their obligations, the Commission views with concern the inability of the GRA to take sanction.

15.4.2 PARRY REPORT

The Commission is aware that a Commission of inquiry was set up chaired by Mr. Parry assisted by two foreigners in 2015. The Commission has had the opportunity of scrutinizing the Parry report which, to say the least, is very critical towards the GRA. It expressed serious concern regarding the management, administration, lack of leadership, irregularities, lack of responsibility, granting of betting licences without

proper investigation, lack of transparency in the sale process of horses, lack of monitoring and inefficiency of the GRA.

15.4.3 SHORTCOMINGS OF THE GRA

The Parry report noted that under the Gambling Regulatory Act 2007, the Gambling Regulatory Authority [GRA] has a statutory oversight of the MTC with substantial powers and with an excellent regulatory framework to address the demands and challenges of the gambling and horse racing industries. It was said that the GRA was not functioning as per its requirement and had many irregularities, such as its inability to regulate and monitor the gaming business as a whole and failing in that duty. The report recommended that as the GRA was *'not fit for purpose'*, it required a fundamental overhaul with more dynamic leadership, a clear strategic plan. The limited resources of the GRA were focused almost entirely on licensing and compliance issues around its licensing functions. There was poor inter-agency cooperation between the GRA, the Police des Jeux and other Government Departments or organizations which could have played an important part in helping to combat betting related corruption. Although the GRA had an online connection to the Gambling Regulatory Authority Betting Control System (GRABCS) and bookmakers had a five-year delay in connecting with the system and the report pointed out that one bookmaker, SMS Pariaz, the owner was at one time the client of Mr. Gulbul, was not linked to the system.

The report found that there was no 'live' monitoring of betting and very limited reactive analysis of the betting markets and the illegal betting was huge and might even be larger than the legal market. Remarks were made regarding the inability of the Police de Jeux to gather intelligence, to investigate and to act to reduce horse racing/sports crime and illegal betting. Neither the MRA nor ICAC had the mandate to look into the matter. The Financial Intelligence Unit is to receive suspicious transaction reports and to gather intelligence for dissemination to investigatory and supervisory authorities.

15.4.4 PARRY REPORT RECOMMENDATIONS

The Parry report recommended:

(a) Upgrading the Standard Horse Racing Bookmaker Software, to combat illegal betting practices and ensure a more appropriate and effective control on horse race betting;

(b) Cooperation and improvement of working practices with the MTC, the GRA, the MRA, other Governmental Departments and other agencies connected with sports crime and illegal betting;

(c) Enhancement of the resources of the Police des Jeux with the appropriate skills in betting and sports-related crime, including specific training on such matters;

(d) New dynamic leadership within the GRA with a clear strategic plan to fulfil its wide-ranging responsibilities for horse racing;

(e) To priorities horse racing crime and illegal betting by the police.

(f) Amendment to the Prevention of Corruption Act 2002 to allow the ICAC to engage in relevant horse racing/betting corruption.

Since it is clear that the traffickers had been profiting from the numerous gaps and failure by the GRA to control horse racing, betting has been their hobby with connivance of certain bookmakers in enabling them to launder money. Besides, the Commission has testimony of horse fixing which had profited a gang of traffickers.

15.4.5 RECOMMENDATIONS

The Commission recommends:

(a) the implementation of the Parry report more specially to ascertain that the casinos and gambling houses and the bookmakers are properly linked with the GRA and MRA to facilitate tracking of all legitimate transactions;

(b) the Inspectorate of the GRA must be reinforced and revamped as recommended in the Parry report;

(c) all bets, at the Champ de Mars, above Rs5,000 or a figure to be decided by the authority must be effected by cheque with details of the bettor, cheque, amount and the bank mentioned in the receipt and payment of wins through internet banking;

(d) severe sanction with revocation of licences for any errant casinos, gambling houses and bookmakers coupled with hefty fine of the individuals, owners of the concern.

CHAPTER 16: WHETHER THERE IS ANY EVIDENCE OF POLITICAL INFLUENCE IN THE DRUG TRAFFICKING TRADE [TOR XIII]

16.1 POLITICAL INFLUENCE IN RODRIGUES

16.1.1 NOTORIOUS DRUG TRAFFICKER-THE UNTOUCHABLE

The only reported case of political influence of drug trafficking was in Rodrigues. The Commission heard of the transfer of the team of ADSU officers after the arrest of a notorious drug trafficker, late Mr. Luco Philippe. The latter was an ambulance driver and a well-known bouncher providing security to the OPR party during elections, especially to the Chief Commissioner, who attended the funeral. Mr. Luco Philippe was joined by his brothers, also well-known bouncers in Mauritius, the 'Demolition' team. ADSU in Mauritius suspected the members of that team to be involved in drug trafficking. Some six months after his transfer, DCP Samoisy reintegrated the ADSU team to bring his experience to a young new team.

16.1.2 THREATS AFTER CONVICTION

After the conviction of the notorious drug trafficker, DCP Samoisy whose testimony was crucial in the case against late Mr. Luco Philippe received threats and the whole family was provided security round the clock. Two days after his conviction, late Mr. Luco Philippe was found dead in his prison cell. Apparently, he hanged himself. The officer was blamed by many for his death.

16.1.3 ABORTED TRANSFER OF ADSU OFFICER

DCP Samoisy was surprised to hear from his informers that he would be transferred. The Commission heard that having regard to the specificity of Rodrigues, the size of the community and persons posted in the various administrative posts from the same family, leakages of information were legion. And indeed DCP Samoisy was informed of his transfer by the Divisional Commander (formerly the Chief of Police) approved by the Commissioner of Police without the Head of the ADSU being aware of the matter. DCP Samoisy stated that after a discreet enquiry, he was certain that his transfer was triggered by the Chief Commissioner. It was only when he contacted the Head of the ADSU in Mauritius mentioning that he would stir a scandal that the transfer order was cancelled. Both letters of transfer and the counter order were produced to the Commission which oddly enough, the Commission was informed by the Divisional Commander that he was not aware but that he saw a fax.

16.1.4 EXPLANATION SOUGHT BY COMMISSION

The Commission heard ASP Seewanand Kishtoo, the then acting Divisional Commander who seemed to be a hopeless senior officer unaware of many things happening in Rodrigues or he preferred not to stick out his neck. When questioned about late Mr. Rico Phillipe, whatever he knew about that person, regarding his arrest by the ADSU, the aborted transfer of the ADSU officer who arrested him and what happened at the funeral attended by many members of the Rodrigues Regional Assembly and the Chief Commissioner. The Commission is of the view that this officer was just behaving like the three monkeys adopting the attitude 'No see, no hear, no speak' when he was allegedly in charge of the Criminal section. Oddly

enough, it appears that the Chief Clerk at the office of the Divisional Commander had more information which he shared with the Commission.

The Commission heard the ACP Toolseekritsing Rajaram, who stated that in his capacity as Divisional Commander he received all politicians regarding complaints but he did not take orders from them. Regarding late Mr. Rico Philippe who was sentenced on the 7th January 2016 for drug offences, he was aware of his links with the OPR party. Regarding transfer of police officers for the general unit, he is empowered to do so with the approval of the CP but regarding officers of ADSU, he has no say as it is the province of the Head of ADSU and the CP. He states that he has nothing to do regarding the aborted transfer of DCP Samoisy. He gave instruction for police presence at the funeral of the drug baron as he knew that members of the Rodrigues Regional Assembly would be present. He did not receive report of police officers being prevented from being present when the coffin was put in the grave or that there was partaking in the consumption of cannabis.

16.1.4.1 MEMBERS OF THE RODRIGUES REGIONAL ASSEMBLY

Those members of the Rodrigues Regional Assembly who, have been mandated by their leader to depose before us, categorically denied that the leader of their party had anything to do with the transfer of the ADSU officer, the more so that such allegation was mudslinging the party.

It was not denied by members of the ruling party in the Rodrigues Regional Assembly, who deposed before us, that they attended the funeral of late Mr. Luco Philippe as a matter of course since the deceased was a supporter of the party, the more so that Rodrigues, being small, everyone was known to each other and there was nothing sinister in their attending the funeral of a supporter of the party.

16.1.4.2 TESTIMONY OF A MEMBER OF OPPOSITION

A member of the opposition party deposed before us regarding the presence of members of OPR at the funeral and he was also adamant that there was political interference in the work of the ADSU. He also stated that politicians paid the fines of the drug dealers and the question of gang was becoming a problem. He raised the issue in the Regional Assembly and the reply he got from the Chief Commissioner was that the ADSU was to be blamed. The Commission was told that after the religious ceremony and before the deceased was laid to rest, police officers had no access to the cemetery where only the close members of the circle of the deceased were present to share a last puff of cannabis.

16.1.4.3 APPRAISAL OF THE COMMISSION

The Commission finds it odd that an efficient ADSU officer who dared to arrest a drug baron who for years was never troubled or questioned by the police, was transferred after the arrest of the trafficker, reintegrated in the ADSU team six months later, to be transferred anew for no reason after the demise of the drug baron and which transfer was aborted immediately after. The only explanation, although denied by the Divisional Commander but which can be gathered from the testimony of other witnesses, was political interference. That was not the first time as the Commission heard from other ADSU officers as well of transfer after drug traffickers and their acolytes were arrested. The Divisional Commander stated that on assuming duties, he

was warned by his predecessor of political interference in the work of the police. This is ample proof of probability of political influence in police works.

16.2 THE FRONT SOLIDARITÉ MAURICIENNE [FSM]

16.2.1 SOCIAL AID BY A POLITICAL PARTY TO CONVICTED DRUG TRAFFICKER

The Commission heard Mr. Ghulam Mohamed Adam Edoo, the secretary of the branch of social aid of the political party, Front Solidarité Mauricienne, the FSM, who at the time of the hearing was remanded to jail as he failed to attend court. In 2011, he was sentenced to pay a fine for the offence of swearing false affidavit. As secretary, he is responsible for running the social aid which receives donation from the public. The money received is used to purchase foodstuff '*ration*' for the needy and also money is given to help those having problem with repayment of loans or payment of fine. People needing help contact Mr. Cehl Meeah first, who then refers the person to him. There is no committee to decide whether the person really needs help.

16.2.2 DECISION TAKEN BY ONE INDIVIDUAL

Mr. Edoo decides personally apparently after carrying an enquiry. It seems to depend on his goodwill as there are no set criteria. He does not keep a register of person to whom money was given. In his case as well, his fine was paid from donation. He vows that the FSM does not help to pay the fine of drug traffickers but immediately after has contradicted himself as there was a payment of more than Rs500,000 for a person convicted for drug trafficking.

16.2.3 SOURCE OF FUND

The money he gave was allegedly from gains he obtained from betting which he did without the knowledge of the leader of the party. He went to prison to pay Rs501,600 and the prisoner was released the following day. He does not consider the person to be a drug trafficker as he had completed his term of imprisonment. Although he admitted having written a letter to the Prison Administration stating that the cash came from the FSM, he would add that it was money from interest and which he took to place in Tote. The money had nothing to do with Zakat.

16.2.4 APPRAISAL OF THE COMMISSION

The Commission views with much concern that under the blanket of allegedly helping the needy, a political party had been paying the fine for drug traffickers. Apparently that was not the only instance. There is no record of any donation received, who gave it and who had been the beneficiaries consequently there is no accounting, complete opacity.

16.2.5 RECOMMENDATION

The Commission recommends an inquiry into the affairs of that political party.

16.3 PROTECTION OF A NOTORIOUS DRUG TRAFFICKER

The Commission heard of the acts and doings of Mr. Raouf Gulbul, a politician cum barrister at law. His former clients, Mrs. Jeeva and Mr. Bottesoie have deposed before

the Commission explaining how they had been enticed by counsel not to implicate notorious drug traffickers. There are other instances where '*mules*' who before sentencing put forward as mitigating circumstances and a pledge to depose before Court against the consignee. However, at the time of the trial of the consignee, there has been a change of heart and a refusal to depose. Enquiry reveals that there has been manipulation of witnesses and a clear case of subordination of witnesses.

Moreover the Commission heard from the former campaign manager and the deputy of Mr. Gulbul regarding money allegedly given for his political campaign which Mr. Gulbul denied. It was only the driver of the campaign manager who reported to the latter that the black bag contained a huge amount of money as he did peep into the bag to see its content. If it were allegedly pamphlets which was imparted to Mr S. Golaumally by the candidate, the Campaign Manager said he had never seen any.

The Commission has heard from the notorious drug trafficker that he had financed the electoral campaign of the now governing party and that was because all his counsel were from that party.

There is the message to Ms Shamloll from another convicted drug offender, Mr. Sada Curpen, who is facing trial for money laundering and his counsel was Mr. Gulbul who ceased to appear for him not long ago.

16.4 RECOMMENDATIONS

(a) The Commission recommends that an in depth enquiry be carried out to find out how many of those cases where witnesses decide not to testify against traffickers and who were the counsel involved for action to be taken by the Attorney General for disbarment.

(b) The Government must urgently look into the funding of the political campaigns of parties in order to prevent funding by traffickers.

CHAPTER 17: ANY OTHER MATTER CONNECTED WITH, OR RELEVANT OR INCIDENTAL TO CHAPTER (1) TO (13) ABOVE AND MAKE RECOMMENDATIONS AS APPROPRIATE INCLUDING:-

A- SUCH ACTION AS IS DEEMED NECESSARY TO FIGHT THE PROBLEM OF IMPORTATION, DISTRIBUTION AND CONSUMPTION OF ILLICIT DRUGS IN THE REPUBLIC OF MAURITIUS; AND

B- ANY STATUTORY AMENDMENTS AS MAY BE NECESSARY TO BETTER SAFEGUARD THE INTERESTS OF THE PUBLIC AT LARGE. [TOR XIV]

CHAPTER 17 A: INSTITUTIONS INVOLVED IN THE FIGHT AGAINST ILLICIT DRUGS AND DRUG TRAFFICKING

The Commission has recommended the setting up an Apex Body responsible to state clearly to the world and to all the stakeholders in the country what is its policy in this drug quandary and this in conformity with the requirements of the UNODC. Below is the matrix for the National Drug Policy Commission responsible to come up with the National Drug Control Masterplan in collaboration with specific ministries and institutions to pave the way for those NGOs involved in the prevention, treatment, harm reduction and rehabilitation programmes, amongst others, to align their objectives and targets.

17A. 1 THE NATIONAL DRUG POLICY COMMISSION

17A.1.1 ABSENCE OF STATISTICS

The Commission noted, in the course of the present enquiry, a total absence of statistics at all levels. Even where statistics are allegedly being kept, not much use can be made of them in the absence of further information as the fact of keeping figures only is meaningless Thus, as it has been highlighted under the chapter and term of reference pertaining to the Scale and Extent of Drugs. All the main stakeholders, institutions from the public, private and civil society have deposed before this Commission yet not one of them keeps detailed, meaningful and up to date statistics, which constitute an essential tool in the decision making process. The fact of mentioning the number of persons involved, their sex, age and profession details such as the residence, and when it comes to the police, place the person was arrested, amount secured, type of drugs, whether the person is a suspected consumer, dealer, trafficker. The statistical office could be enlisted to prepare the document bearing in mind the requirement of the UNODC for the periodical reporting.

17A.1.2 ABSENCE OF CLEAR DRUG POLICY FOR THE COUNTRY

There is no single clearly defined drug policy. This Commission cannot stress enough on the importance of data collection if this fight is to be won or at least gives the State the upper hand. It is hoped that following the present report, every single authority from the lead ministries to the NGOs involved in the ground, through courts, NDIC, prisons etc will be required and will ensure that up to date statistics and first hand data are collected, processed and forwarded to a central body, the NDPC. Without this essential but elementary step, there can be no efficient action taken and the NDPC would not be able to define the required

strategy where prompt action needed to be taken. This is the only means for the State to be able to develop sound, realistic and implementable policies or to devise and implement a proper national drug strategy/master plan and from which all stakeholders will be aware what is required to be done.

For instance, NGOs may have adopted a particular approach or methodology to tackle the drug problem, the rehabilitation, harm reduction and re-insertion. While the Commission recognises their motivation, without proper statistics and follow up, a proper and objective assessment of their efficiency cannot be made. Figures could bear testimony to the efficiency of their methodology and would call for further investment in the same direction whereas a lack of efficiency would bring about the need to provoke a change and revise their perspective. Their best practices could be emulated by other in the same sector

17A.1.3 THE WAY FORWARD

In light of the above, the Commission will recommend that a **National Drug Policy Commission** (NDPC) be set up and it will be sole body responsible for all policy matters related to drug issues, collection and analysis of data in relation to all aspects of drug related problems, preparation of reports, responsible for the giving of grants to NGOs to execute specific approved programmes.

17A.2 RECOMMENDATION

The Commission strongly recommends urgently the setting up of a National Drug Policy Commission as a statutory body under the aegis of the Prime Ministers' Office

17A.3 COMPOSITION

The NDPC will include representatives of the Prime Ministers' Office, the Ministry of Health, the Ministry of Finance, the National Drugs Investigation Commission, a magistrate or judge of the Drug Court, the Attorney General's Office, the Ministry of Justice, the Human Rights and Institutional Reforms, the Police, the Prisons;

17A.4 SECRETARIAT

The NDPC will be the body responsible to implement and monitor the policy through its Secretariat to whom all requests, suggestions, reports, statistics should be sent.

17A.5 COMMITTEES

The NDPC shall operate such number of committees to implement its approved policy in the specific areas of intervention and relevant fields of expertise.

The NDPC will enlist the assistance of representatives of any of the following ministries, departments or institutions on committees: Ministry of Education, Master and Registrar, Ministry of Social Security including Probation Office, Ministry of Fisheries and Marine Resources, the National Coast Guard, Mauritius Tourism Authority, Forensic Laboratory (Drugs Department), Ministry of Labour, Central Statistics Office, Mauritius Research Council, University of Mauritius, Teachers' trade union representatives, Representatives from non-governmental organisations (NGOs) and Expert(s) on substance-abuse issues and other relevant authorities.

17A.6 FUNCTIONS

The responsibility and duties of the various committees shall be as follows:

17A.6.1 POLICY MAKING

(a) To prepare the Drug Master Plan clearing indicating the drug policy of the Government and addressing to the various issue of supply, demand, harm reduction, rehabilitation and matters referred to below.

(b) Establishing and maintaining information systems which will support the implementation, evaluation and ongoing development of a national drug master plan.

(c) Acting as an authoritative adviser to Government on policies and programmes in the field of drug abuse and trafficking.

(d) Encouraging government departments and the private sector to draw up plans to address drug abuse in line with the goals of any Master Plan;

(e) Reviewing and commenting on drug-related policies and programmes developed both locally and internationally.

(f) Facilitating the initiation and promotion of measures, including legislation, to combat the misuse of drugs.

(g) Examine the practices and procedures of any institution involved in the fight against drug trafficking, health services, judicial divisions, etc and to review methods of work or procedures where appropriate.

(h) Monitor current legislative and administrative practices in relation to drugs.

17A.6.2 UNDERTAKING AND PROVIDING ASSISTANCE IN RESEARCH PROJECTS:

(a) To define more accurately the scale and extent of drug use and abuse in Mauritius particularly in respect of the number of illicit drug users, types of drugs, rehabilitation, substitution therapy etc.

(b) to identify the causes of drug use and abuse and its consequences on, inter alia, the social and economic structure of Mauritius.

(c) to determine the costs, direct and indirect, of drug use and abuse to Mauritius.

(d) the availability and use of treatment facilities for problem drug users.

(e) Become a laboratory for the world.

17A.6.3 COLLECTING AND PROCESSING DATA / STATISTICS:

(a) on illicit drugs including their production, consumption and price which should be collected systematically.

(b) liaising on a regular /permanent basis with stakeholders who collect such data in their respective fields.

(c) to determine the percentage/ actual/ increase in the use of illicit drugs and such information to be used to indicate where emphasis should be placed in countering the use of such drugs.

(d) to conduct statistical and drug market analyses and to serve as an early warning system for action to be taken against drug abuse, adopting a pro-active and preventive approach.

(e) as well as any ancillary information from the Intelligence Unit of the NDIC, the DOAP etc. to understand sources, availability and types of resources and methodologies adopted by traffickers.

17A.6.4 INTER AGENCY COOPERATION

(a) Ensure that there be an open and uninterrupted collaboration and coordination between and the NDPC, the NDIC, the DC and the DOAP.

(b) Facilitating and encouraging the coordination of programmes and to facilitate the integration of different government departments on the issue of substance abuse.

(c) Co-operate and collaborate with international institutions, agencies or organisations in the fight against drug trafficking, money laundering and corruption.

17A.6.5 EDUCATION AND ENROLMENT OF CIVIL SOCIETY

6.5.1 Ensuring the development of effective strategies on drug education.
6.5.2 Educating the public on drug related issues.
6.5.3 Enlisting and fostering public support in combating drug scourge.
6.5.4 Publishing an annual report to Parliament which will be a public document setting out a comprehensive description of the national effort relating to the drug problem.

CHAPTER 17B. THE DRUG ENFORCMENT AGENCIES

17B.1 ADSU AND CUSTOMS

The Commission has been particularly attentive in calling for relevant information to enable it to carry out as accurate an assessment of the effectiveness of the various agencies involved in the fight against drug trafficking. The two main institutions that have been the focus of this scrutiny are the ADSU and the Customs (Mauritius Revenue Authority). The Commission has to commend these two units for having played their part either alone or jointly, in ensuring that many drug traffickers and dealers have been successfully prosecuted. Notwithstanding the aforementioned however, it has become apparent that the ADSU has outlived its purpose and evidence has shown that there are systemic failures which can no longer be cured. The scale and extent of the drug problems in the country leaves no room for doubt or emotions but calls for bold and incisive actions. Structured as a simple unit off branching the

Police force, ADSU has to some extent achieved results but it is the Commission's opinion that this entity which is and has remained nothing more than a unit of the police, is seriously under-equipped whether in terms of man power, expertise and skills, technology and equipment to fight the upscaling of drug dealing and trafficking. With a specialised unit in place, the Commission further emits serious doubts about the necessity and reason for the setting up of an anti-narcotics unit at the level of the customs, the role of which blatantly and adversely overlap with that of the ADSU, the more so that it appears the unit is requesting for additional budget and means.

The Commission has during its 2 ½ years of enquiry reached the fateful conclusion that these two units need to be totally dismantled at the earliest and replaced by a single strong body with a legal axis, spearheading all drug crimes investigations and prosecution. The main reasons being that:

(i) It is inconceivable that there have been several allegations and reported cases of corruption within its ranks of the ADSU and of certain officers working hand in hand with the drug lords. The Commission has already in an earlier chapter commented on the unsatisfactorily recruitment procedure of officers to join the ADSU. The Commission did call two teams from that unit following allegations for the officers whose bank account was credited with sums of money in cash which required an explanation;

(ii) There is within the ADSU a clear inefficient methodology of investigation and intelligence gathering. Out of the 350 police officers deployed within the ADSU, a very small team is concerned with the suppression of drug trafficking at the various points of entry together with some 50 Customs Officers of the Anti-Narcotics Unit. Yet in spite of the enormous resources deployed, drug seizures and arrests are the result of either chance/ luck or to tip offs the more so that our island, unlike most continental or more sizeable states, has only such limited "controlled" points of entry (*airport, port, sea, post office*). This is untenable. It has been brought to light that operations are mostly conducted in such a manner that, at the end of the of the day, only 'mules' are caught and convicted, and many more would keep on coming thereby inflating statistically their success rate and their proud press conferences exhibiting their seizures in the front page of the dailies while the drug tycoons walk free, unharmed and out of reach. This Scattergun approach has to halt;

(iii) The Commission has culled from the testimonies of the responsible officers of the two units the detrimental effect of the prevailing rivalry between those two units, lack of trust leading to a semblance of collaboration, sharing information on a need to know basis and blowing their own trumpets openly boasting their successful catch of fries;

(iv) The Commission has received information regarding the recent arrest of two Mauritian Nationals in Madagascar that two officers of the Customs and Anti-Narcotic Unit rushed to seek information from the Malagasy authorities when it was obvious that this was eminently the prerogative of the ADSU under DDA to investigate drug offences committed by Mauritian Nations outside Mauritius. The Commission does not understand how the Customs Unit could

have assumed that role. This reinforces the avowed intention of the Customs to take a lead role in the fight against drug trafficking thus creating rivalry;

(v) The question of reward money is also an issue as expiated earlier;

(iv) The primary function and focus of the customs as per customs laws is and ought to remain the control of goods to collect revenue at the borders and incidentally prohibited goods but when such goods are illicit drugs, there are bound to refer the matter to the ADSU and its role ends there. *'A chacun ses moutons, les vaches seront bien gardées'* ;

17B.2 RECOMMENDATION

The Commission recommends the disbandment of the ADSU and the Customs Anti-Narcotic Unit and to replace them by a single independent body, the **National Drugs Investigation Commission** (NDIC) which will spearhead the war against drug offences with special powers of arrest, investigation and prosecution.

CHAPTER 17C: THE NATIONAL DRUGS INVESTIGATION COMMISSION (NDIC)

17C.1 LEGAL SET UP

The Commission shall be a body corporate operating on a permanent basis known as the National Drugs Investigation Commission [NDIC] and the Commission shall not, in the discharge of its functions and exercise of its powers, be subject to the direction or control of any person or authority. The NDIC shall not be usurping of police power but it will work in close collaboration with the police who once seized of a potential drug case/ or receives intelligence in relation to the commission or attempt thereof of a drug offence will have to refer the case forthwith to the NDIC.

17C.2 COMPOSITION

The NDIC shall be headed by a Chairperson (or DG), two Deputy Chairpersons, and such other members as may be prescribed. The Chairperson shall be a person who has (i) served as a Judge of the Supreme Court with experience in drug cases or; (ii) served as a Magistrate for not less than 10 years or; (iii) served as a Magistrate and has been a law practitioner for an aggregate period of not less than 10 years. The Chairperson shall be appointed by the President acting on the advice of the Judicial and Legal Services Commission.

The Deputy Chairpersons shall be:

(i) a person having served as a Magistrate or a Law Officer for not less than 5 years and

(ii) a person having served as (i) Police Officer not below the rank of Chief Inspector having held that position for a period of not less than 5 years and who has experience in drug investigations or (ii) (...) .

The Officers in charge of various divisions and their members shall be appointed by the Chairperson and Deputy Chairpersons and they must have knowledge and/or experience in field of Human Rights or Investigating Financial Offences.

17C.3 TENURE OF OFFICE

The Chairperson and Deputy shall hold office for a period of 5 years and shall be eligible for another period of 5 years only. The President shall, on the advice of the JLSC, remove the Chairperson or Deputy Chairperson from office for inability to perform the functions of his office, whether arising from infirmity of body or mind, or for misbehaviour. The members of the sub units shall be appointed on a contractual basis for a period of 5 years renewable. They shall be appointed on a permanent and pensionable basis.

17C.4 SUB-DIVISIONS OF THE NDIC

The Commission shall comprise of four sub divisions:

(a) The **Investigations Unit** comprising of Senior Investigations Officers and Investigations Officers. The Senior Investigations Officers shall be persons having held the post not below the rank of Inspector in the police force or having served or serving on the police force in the former ADSU. Investigations Officers shall be persons having experience in drug matters.

(b) The **Legal and Prosecuting Unit** shall comprise of Senior Legal Officers and Legal Officers. The Senior Legal Officers shall be persons having held or holding the post of magistrate or law officers in the DPP's Office for no less than 5 years and law practitioners having not less than 5 years practice in criminal matters. Law Officers shall be persons having held or holding the post of magistrate or law officers in the DPP's Office for no less than 3 years and law practitioners having not less than 3 years practice in criminal matters

(c) The **Intelligence and Tracking Unit** shall comprise of persons having an experience in criminal and civil, (including financial) investigation, having held the post of police officers not below the rank of police sergeant for a period of not less than 2 years; or persons holding a degree in law and having related experience of not less than 2 years and law practitioners having not less than 2 years standing at the bar.

(d) The **Data Collection and Processing Unit** shall comprise of qualified and experienced analysts and statisticians.

(e) **General Administrative Staff of the NDIC**

The NDIC may, on such terms and conditions as it may determine, employ such suitably qualified person as may be necessary for the proper discharge of its functions. They shall be appointed in a permanent and pensionable basis.

17C.5 FUNCTIONS BY THE COMMISSION SHALL BE TO -

(a) Detect and investigate any drug related offence as provided for under the Dangerous Drugs Act (DDA);

(b) Investigate into any complaint; made by any person or on his behalf; against any act, conduct or omission of any person of a drug offence as provided for under the DDA;

(c) Prosecute any drug related offence as provided for under the DDA upon the powers delegated to it by the Director of Public Prosecutions under the DDA;

(d) Advise the National Drug Policy Commission's Secretariat;

(e) Collect and communicate on a regular basis relevant statistics and data that will assist the National Drug Policy Commission's Secretariat in the performance of its duties, advise the Secretariat as and when and as may appropriate;

(f) Advise as to such legislative reform as it considers necessary view a view to curbing/ eliminating drug related offences;

(g) Perform such other functions as may be conferred to it by the DDA or by any other enactment.

The NDIC shall further work in close collaboration with the new "National Drug Policy Commission's Secretariat" and establish a close working relationship with the Drug Court.

17C.6 POWERS OF COMMISSION

The Commission shall have powers akin to those accruing to a Commission of Inquiry, under a *loi d'exception*, and will include inter alia:

(a) Prosecuting drug offences under the delegated powers of the Director Of Public prosecutions;
(b) Powers of arrest;
(c) Issuing and search warrants and conducting searches;
(d) Power to summon witnesses and examine documents;
(e) The power to authorise and intercept interception of communications of a person suspected to be involved in illicit drug dealings;
(f) Ordering the prompt disclosure of any transactions, records, statements by specified institutions including but not limited to banks and financial institutions and all telecommunication/ mobile operators in relation to a person subject of an ongoing enquiry by the NDIC without having to obtain authorisation from the Court;

(g) The NDIC shall have the power to issue a temporary objection to departure order to the PIO at airport and port, this temporary order to be validated by the Judge of the Drug Court within 24 hours from date of issue.

17C.7 DISCLOSURE OF ASSETS AND LIABILITIES

The Chairperson, Deputy Chairperson as well as all members and officers shall deposit with the JLSC a declaration of his assets and liabilities in relation to himself, his spouse, children and grandchildren, concubine and mistresses not later than 30 days after the date of his appointment, thereafter on a yearly/ six monthly basis, every year until he ceases to be a C/DG or officer of the NDIC; and a final declaration within 6 months as from the termination of his appointment,

17C.8 PROTECTION OF MEMBERS OF BOARD AND OFFICERS FROM LIABILITY

No civil or criminal action shall lie against the Commission, any member of the Board or any officer of the Commission, as the case may be, in respect of any act done or omission made by it or him in good faith, in the performance of its or his functions under this Act or any other enactment.

CHAPTER 17D: CRIMINAL JUSTICE SYSTEM FOR DRUG OFFENCES

17D.1 INADEQUACY OF THE CRIMINAL JUSTICE IN DEALING WITH DRUG OFFENDERS

17D.1.1 IN THE SAME BOAT

Presently our criminal justice system treats the occasional or first time consumer caught with a few grams of cannabis clearly indicating personal consumption, on the same footing as dealer with several kilogrammes of heroin.

If found guilty, all offenders will undeniably and indiscriminately be sentenced to imprisonment without any consideration of the social or health aspects that may lie underneath the surface of the drug offence.

17D.1.2 NO SPECIALISTS

Drug cases are presently dealt with at all levels of the judiciary: district, intermediate and supreme courts. Judges and Magistrates have to deal with the widest array of criminal offences and drug related cases are but a fraction of their daily lot. One cannot expect that they will have the time, will or even expertise to see beyond a criminal offender.

17D.1.3 INORDINATE DELAYS

Furthermore, drug cases encounter severe delays from the moment the case is lodged until the actual hearing/trial is to start with the risk for prosecution having witnesses intimidated by traffickers, co-accused who had implicated accused and undertaken to come depose for the prosecution, suddenly suffering from selective amnesia.

17D.1.4 ALTERNATIVE SENTENCING: A NECESSITY

Rarely do magistrates resort to alternatives to imprisonment when it comes to drug consumers or addicts although the law does provide for noncustodial sentences such as community service. A system wherein occasional consumers, drug addicts, drug "mules", the dealers and the traffickers are treated alike is clearly inefficient and ineffective in combatting drug problems. Consumers/addicts must be treated for what they are: victims/patients and not criminals.

17D.1.5 A CALL FOR SPECIALIST INTERVENTION: THE DRUG COURT (DC) AND THE DRUG OFFENDERS ADMINISTRATIVE PANEL (DOAP)

It is imperative and high time that Magistrates and Judges dealing with drug cases should have specialist knowledge of all aspects of the drug problem, if we are to succeed in fighting dangerous drugs at all fronts. They should be able to focus on and devote additional time to dealing with drug offences if there is a chance that this plague be eradicated. They should be aware of the principles/ methods/ additional avenues in relation to rehabilitation, treatment, family group therapy etc to successfully address the plight of these offenders. And the only way that this may be achieved is that there be set up a specialist court, a Drug Court comprising of magistrates and judges dealing solely with drug cases, from first instance to appeals through assizes/ having both original and appellate jurisdiction.

One of the main functions of the DC after hearing drug cases will be to screen through the offenders and identify potential "candidates" in the criminal justice system before referring them to the DOAP Panel treatment programme. Which body and programme will be elaborated upon further. In the event of unsuccessful completion of the programme, the drug offender will be referred back to the DC (post-conviction) for sentencing, or to execute his sentence if he had already been sentenced but same was suspended, or as the case may be, he shall then stand criminal trial before the magistrate or judge. Dealers and Traffickers and other drug offenders shall on the hand be tried as criminals and the harshest imprisonment sentences may be imposed.

17D.1.6 RECOMMENDATIONS

17D.1.6.1 DRUG COURT HAVING ORIGINAL AND APPELATE JURISDICTION

The Commission recommends that a **Specialised Drug Court** having jurisdiction to hear all drug related cases under the respective provisions of the DDA and that DC shall have original and appellate jurisdiction to hear any drug related cases, comprising of such number of magistrates and judges as may be determined by the JLSC/ CJ/Master and Registrar.

17D.1.6.2 HARMONISED ACTION

The Commission recommends that every drug case to be referred to the DOAP shall be examined on its own merits but also that a set of objective and standard criteria be issued in the form of guidelines put in place to ensure a harmonised, uniform and transparent approach by all magistrates and by all judges. A checklist may also be

drawn up and which will be crossed out as and when the magistrate or judge progresses through his case. This checklist shall form part of the court record.

17D.1.6.3 TRAINING

It is recommended that all magistrates and judges sitting in the DC will prior to assuming their duties as a drug court magistrate or drug court judge, follow a tailor made training conducted by fully qualified professionals on the principles of diversion, on the basics of rehabilitation, existing treatments/rehabilitation programmes, the drug treatment centres, health services in relation to drugs and generally conditions and procedure for referral to other bodies such as the DOAP. The IJLS should also be involved in the process and will conduct training courses specially for magistrates and /or law officers and barristers on the principles of diversion, the organisation of the DC, the DOAP, course to run on a yearly or twice yearly basis with a view to increasing awareness of the DC procedures etc.

The Commission recommends that any court officer and other court personnel dealing with "patients-addicts/consumers" potentially fit for the DOAP Programme should also receive a basic training in all of the above.

The Commission recommends that the Drug Court issues clear guidelines on the various processes (e.g. involving drug offenders, drug offences, persons qualifying for the DOAP Programme etc. In addition, clear guidelines/circulars are to be issued to defence counsel as well as prosecuting counsel who will need to comply strictly with same)

17D.1.6.4 KNOW YOUR COUNSEL

This Commission recommends that Magistrates and Judges of the Drug Court should be very strict/ a zero tolerance for latches of counsel or towards, vexatious motions, cases, pleadings, unnecessary motions for postponements and delaying tactics of defence counsel with a view to ensuring that drug cases are dealt with in a most efficient manner and court time and resources judiciously made use of.

17D.1.6.5 ADMINISTRATION AND TECHNOLOGY

(a) Notwithstanding the powers of the Master and Registrar, the Commission recommends that the Drug Court may be dotted with a Drug Court Manager who will be responsible to oversee that pleadings etc are filed within time limits, keep statistics, follow up on training to be dispensed to staff, to liaise with law enforcement personnel, Police, ODPP, FSL, Prisons, but above all to keep track of cases being referred to the DOAP etc. The Drug Court Manager shall be given advance notice by counsel to arrange for special devices/technologies: video conferencing etc.

(b) The Commission recommends that the Drug Court be as paperless as possible by encouraging electronic communication, insist on advance written motions be made instead of wasting time of court waiting for the day of the hearing when case is called to hear motions e.g. for postponement etc any motion to that effect, save for grounds of illness, need to be made in advance, in writing.

(c) It is recommended that lawyers be seen to comply strictly with set delays to communicate documents, make motions, file skeleton arguments etc.

(d) The decision of the trial court must be handed down within a maximum of 3 months after the date of hearing.

CHAPTER 17E: DRUG OFFENDERS ADMINISTRATIVE PANEL [DOAP]

17E.1 PARADIGM SHIFT -VICTIMS NOT PERPETRATORS

The wrath of our criminal justice system should fall on the drug traffickers mercilessly by acting swiftly and applying the highest deterrents/ sentencing guidelines. Small dealers, first time offenders who may not be consumers ought to be given a chance of being reformed instead of being thrown in the arena of our prison where they will interact and cohabitate with seasoned dealers/trafficker and get a chance at mastering their budding skills at the expense of tax payers. This state of affairs cannot carry on there is a real desire to get a head start in the race for cleansing our society from the drug scourge.

17E.2 DIVERSION

Drugs abusers and first time or occasional consumers should be diverted from the criminal justice system to a different path aiming at their rehabilitation and reintegration into society. The Commission considers that this category of offenders should be looked upon sympathetically as victims who deserve to be guided and looked after by health professionals. It is their goodwill, good faith and a desire to turn over a new leaf which are matters which the **Drug Offenders Administrative Panel (DOAP)** will look for when customising the rehabilitation programme.

17E.3 COMPOSITION OF PANEL

This Panel would be composed of several specialists and experienced professionals namely psychiatrists, addiction specialists, social workers, probation officers, psychologists, who will on a case to case basis, develop and implement a rehabilitation treatment programme (Treatment Programme) tailor made for the individual consumer/ addict. Latter will be bound to the Treatment Programme in the same way as he would to a contract entailing rights and also obligations. Any breach of its terms and conditions will entail appropriate sanctions from a mere warning to a resolution of the *contract*. The DOAP will be chaired by a magistrate assisted by any two specialists as referred to above.

17E.4 SPEAKING STATISTICS

The Commission notes with much concern that up to 38% of persons charged/ appearing before our courts/ who are brought within the criminal justice system are people who have issues with drug use/ are drug consumers and about 20% of our prison population consist of drug addicts. The costs to the State, as a consequence of these increasing figures, are not only financial but have also an adverse social cultural and economic impact/ consequences. The Commission has been informed that some 68% of drug offenders in prisons have re-offended.

17E.5 WHERE THERE'S A WILL

The DOAP provides for an alternative way to address the drug problem by reducing re-offending, drug related crime by curing and rehabilitating the offender into society. These types of offenders should not be treated as criminals but must be considered for what they are i.e. either addicts/ patients/ victims. It is imperative for the approach recommended by the Commission to be effective, that the necessary, appropriate structure and framework be put in place to identify, reach out to, deal with/ to afford treatment to and to facilitate the rehabilitation, re-insertion of these categories of persons. The main function and objective of the DOAP would be to help deal with these individuals in a holistic way by getting to the root causes of the drug offence and finding the best suited solution to break the cycle of dependence and enable the person to find his way back into society.

17E.6 RECOMMENDATIONS

17E.6.1 REFERRAL

(a) The Commission recommends that the National Drug Investigation Commission and the Drug Court, as the case may be, shall have the power to refer specified persons i.e. drug addicts/consumers or any other drug offender if they deem it fit, from the criminal justice to the DOAP.

(b) To be referred to the DOAP, a person may either be experiencing drug related problems or facing specific criminal charges or has been arrested or is an addict/consumer, has pleaded guilty at an early stage and is willing to participate in the Treatment Programme. The Offender may also apply to the DOAP (through the Drug Court or NDIC) for his case to be considered for the DOAP Programme

(c) It is recommended that upon being referred with such a person as mentioned above, the DOAP shall consider from a wide range of possible methods and solutions, the one which is most likely to ensure that the offender will be treated of his addiction. Several diversionary options exist and may include namely verbal and written warnings, formal cautions, family conferencing or referral to either formal or informal community-based programs.

17E.7 DIAGNOSING AILMENT AND PRESCRIBING ADEQUATE TREATMENT

(a) The Commission recommends that the DOAP shall devise a tailor made programme for every person that is being referred to it. This programme will detail the proposed steps to be taken by the person until his rehabilitation and will be under the supervision and monitoring of a social case worker.

(b) Following the referral of a person to the DOAP, the Panel will conduct an initial assessment, the outcome which will enable the panellists to devise and determine the most suitable rehabilitation treatment programme for the individual. Factors to be taken into consideration may include seriousness of the drug related problem, seriousness of the offence, individual commitment, previous Treatment Programmes followed, familial presence and support etc).

(c) The offender will agree in writing to follow the programme through till the end, failing which his case will be referred back to the NDIC to consider criminal prosecution. The programme shall be a quasi-contract entailing certain obligations.

17E.8 WHEN CAN THE DOAP BE RESORTED TO?

Diversion may be resorted to any point in time from the moment a consumer/addict falls under the control of the criminal justice system by his being apprehended by the NDIC, the Police or any other authorised body up till the time when he has been tried, convicted and is in wait of sentence. In fact the earlier in the process the diversion occurs, the more effective it will be.

17E.9 SPECIFIED PERSONS/ TYPES OF OFFENCES

Offences where diversion would be appropriate may include minor drug dealing cases, possession of cannabis for personal consumption, however diversionary measures need not be restricted to minor offences. Diversion should be an option whenever the Court considers either *proprio motu* or after seeking enlightenment from the DOAP, that the person may be subjected to the programme. young/minor offenders, first time offenders (save for Traffickers, Dealers/Peddlars, etc)

17E.10 BRIEF OUTLINE OF HOW THE DOAP WILL OPERATE

(a) Consumers/Addicts are diverted from the criminal justice system by the NDIC or the DC and directed to the DOAP.

(b) The burden shall rest on the person arrested and claiming that he is an addict/ a consumer (unless he has an established history of drug/substance abuse) to establish same through blood analysis.

(c) Once it is established that the person is an addict, and all preliminary assessment conducted and an adequate Treatment Programme envisaged, the DOAP shall cause the Addict/Consumer to enter into a standardised/ prescribed "contract" containing all the modalities of the treatment. He will be explained the Treatment Programme entails and the consequences of not complying with the conditions. He needs to expressly consent to same and a copy of the Programme bearing his acceptance and signature will be handed over to him and will be enforced by the DOAP and the team /case worker assigned to the case.

(d) Final sentencing, if applicable, is deferred while the participant undertakes the programme under the monitoring / supervision of the DOAP and an assigned case worker.

(e) The family of the participant can be an invaluable asset and support to the DOAP, the team, and the participant and should be involved in the programme from the start

(f) All programmes will require regular appearances of the participant before the DOAP, regular monitoring by the case worker assigned to his particular case, submitting to blood and urine testing for drugs etc.

(g) The duration of a Treatment Programme will vary considerably and will depend on the specifics of each case. A typical DOAP Programme may however run between 3 months to 12 months as the DOAP may deem fit.

17E.11 SUCCESSFUL COMPLETION

On successful completion of a programme, the participant will be considered as having successfully graduated and may even be awarded a certificate of successful completion. In some cases, the participant may simply walk free from the criminal justice system without any conviction or sentence. In other cases where he has been convicted but sentence has been suspended, the magistrate or judge can considerably reduce the sentence he would have been handed had he not followed the Treatment Programme or he may be given a noncustodial sentence.

17E.12 FAILURE TO COMPLETE THE TREATMENT PROGRAMME

In the event that a consumer/addict fails to complete the programme, there are different possible avenue open to the DOAP. It may amongst others: refer the person back to the DC so that he will be charged formally/prosecuted; have a re-assessment of the Treatment Programme and its effectiveness and modify/adapt same to the changed circumstances; a breach of condition of the Treatment Programme should not automatically lead to the imposition of a custodial measure.

17E.13 SPECIAL TRAINING AND ADDRESSING POSSIBLE STIGMATISATION

17E.13.1 The Commission recommends that all law enforcement officials involved in the administration of diversion should be specially instructed and trained to respond to the needs of the persons/patients/addicts involved. Those who within the DOAP or DC have to exercise discretion at all levels of the DOAP/justice administration shall be specially qualified or trained to exercise that discretion judiciously and in accordance with their functions and mandates.

17E.13.2 In addition, it is recommended that national sensitisation campaigns touching all classes of citizens, from professionals to students with a view to making one and all conscious of the necessity and purpose of such programmes, so that these vulnerable patients will not feel the strain/weight of stigma upon completion and resumption of their place in society.

17E.14 INTER AGENCY COOPERATION

The Commission recommends that the DOAP maintains a close collaboration with all stakeholders involved in the combatting of drug trafficking and in the rehabilitation of drug addicts: The National Drugs Investigation Commission (NDIC), the Drug Court, the National Drug Policy Commission, Private Sector, Communities, and above all the invaluable role that NGOs are called to fulfil.

CHAPTER 18: RODRIGUES

18.1 INTRODUCTION

Rodrigues being an integral part of Mauritius, the Commission felt that a visit was required the more so that the Commission heard of an acute problem of cannabis and wanted to know what actions had been taken by the authority to curb down the drug scourge. Moreover the Commission heard of probable political interference in the works of the ADSU.

18.2 HEARING

During its short stay in Rodrigues, from the 10th to the 16th April 2016., the Commission held 4 full day sessions and heard 30 witnesses from various institutions including the Port authorities, Airport authorities, Customs Department (MRA), Prisons Department, Fisheries Department, Postal Services, Forestry Department, Education sector, Youth services, ICAC, NCG, NGO's, Religious Bodies, Political parties, Social workers and a few individuals. Visits were also effected by the Commission to the Airport, Port, Prisons Department and NCG working station,

18.3 SCALE, EXTENT AND TYPES OF DRUGS

From the various testimonies received, the Commission has reached the conclusion that cannabis is indeed a major problem for Rodrigues. There is a wide spread culture, sale and consumption of 'gandia' in Rodrigues and even exported to Mauritius. Cultivation of cannabis is done under the cover of pasturage, in the valleys and even hanging on "Vacoas" trees. The *modus operendi* of cultivators of gandia have been to kill animals near their plantation site and let them rot so as to discourage passer-by to get near the cultivation The Commission was informed that students in the age group between 16 and 17 indulge in cannabis. Hard drugs were fortunately not available on the island but were slowly making their appearance with visitors from the mainland. Children are often used as labourer to irrigate and fertilize the field. Cannabis is exported to Mauritius in bags containing lemon, octopus, or hidden in barrel of honey and other foodstuff

18.4 LOCAL SPECIFICITY

Being a small island, one of the main specificities remain that every person is known to one or another. One of the salient facts noted was also that in almost every family in Rodrigues, one of its members is in the police force, making it impossible for any undercover drug related operation to be carried out successfully. Other members are in the Administration. The spreading of information is like bush fire and it is very difficult to keep a secret. The population is very active in politics and the Commission has been informed of the danger of the emergence of gangs affiliated to the political parties.

The Divisional Commander testimony was to the effect that there was an urgent need for additional and experienced officers to lend support to the local forces in Rodrigues to combat dangerous drugs. Rotation for police officers were also proposed.

18.5 POLITICAL INFLUENCE

The Commission wanted to find out if there was any truth in the information it received of political influence in the works of the ADSU. The Commission received testimony from various witnesses of the influence of a drug baron who, two days after his conviction, was found dead in his cell having hanged himself. The matter had already been lengthily dealt with in Chapter 16 but suffice it to say that the ADSU officer who effected the arrest and who deposed against him at the trial received threats and there was an attempted transfer of the officer without any valid reason and which transfer was immediately aborted after he contacted the Head of the ADSU in the mainland.

18.6 PORT AUTHORITIES

The harbour, situated at Port Mathurin, is under the control of the Mauritius Ports Authority (MPA). Only a small area within the port area is restricted area. The port has to comply with the International Maritime Convention signed by Mauritius and to apply the provisions of the Port Act. The port receives ships only from Mauritius and yearly about 40 pleasure crafts from other countries. Three visits are effected by Mauritius Trochetia monthly, which carry about 350-360 containers monthly, machines, livestock and passengers.

From the ship, the containers move to the container park which is not far from the passenger terminal is not under CCTV camera but guarded by a single person at the control gate.

The Commission was informed that the harbour is manned with CCTV cameras in 9 areas without manned by the NCG round the clock, a dedicated control room. But a visit on the site of the Port Authority and the NCG could not confirm that there was the round the clock monitoring.

The Commission was informed by the Officer in charge that the Port Authority is in the process of upgrading of all the security fencing. The restricted area had been recently upgraded and there was a new gate house erected. A consultant had been appointed to review the security aspect of the in the ports in Port Louis and at Port Mathurin. Apparently there was no log book of in-coming ships, commercial and pleasure crafts. There is no direct communication with ships because the radio station was not manned on a 24hrs basis.

The Commission has been informed that there were no scanners. Random checks are carried out by Customs and the CID officers and vegetable containers simply screened. There seems to be a perfunctory control of outgoing containers. Apparently, cannabis is exported to Mauritius in bags containing lemon, octopus, honey and other foodstuffs.

Information regarding illegal activities at the port are solely provided by volunteers. The Commission observed that the port area is easily accessible to the public and it was informed that dealers had access to the ships at odd hours to collect parcels. Passengers' baggage are not searched prior to departure for mainland.

When the Commission questioned the officer in charge regarding a central committee comprising of all the stakeholders such as the Police, Customs, ADSU, which oversees all the activities and security issues at the port the latter informed that such a system did not exist. The Commission also drew the attention of the Officer in charge regarding the idea that Regional Assembly was trying to convert Rodrigues into a tourist hub which would result into an influx of Commercial vessels, pleasure crafts, cruises and therefore a comprehensive planning would be needed and persons such as the Officer in charge must play an active role in its inception, implementation, and materialisation.

During site visits, the Commission observed that there was shortcoming in the operating procedures of the staff at the port such as their inability to detect drug on passengers. Even though the shipping company was not questioned regarding ship chandlers, the Commission feels that these persons might be an important link in the chain of drug trafficking by their nature of work and accessibility to the vessels.

18.6.1 RECOMMENDATIONS

The Commission recommends that:

(a) Police along with security guards must control all points of access to and from the port area and not only the restricted area;

(b) Adequate and specialized training in drug detection should be given to all law enforcement officers including ADSU, Customs and other port officers;????

(c) Better cooperation between Police, Custom and the Mauritius Port Authorities; Installation of scanners to screen all outgoing and incoming containers and vehicles to be searched prior to shipment;

(d) Vegetables, fruits (lemon bags), and Jars containing honey or other food products should to be inspected;

(e) Access to the ship should be strictly controlled during mooring;

(f) Ship chandlers to be searched prior to access and after leaving the vessel;

(g) To decree the container park as a restricted area and to post at least two security officers to provide a 24/7 service;

(h) Strict control on pleasure crafts;

(i) A comprehensive plan to be worked out for the harbour in view of the Regional Administration's plan to make the island a tourist hub.

The NCG Security does not provide a 24/7 coverage around the harbour.MPA provides support and assistance as and when required. There is no surveillance for

cargo passing near the Island by the NCG. There is no control over fishing vessels activities.

18.7 AIRPORT

The Commission has been informed that about 62,000 passengers are serviced yearly at Rodrigues airport. It has a staffing of [50] 28 members, including the 11 baggage handlers. Departure is controlled by Aviation Security and arrival by Customs and ADSU. There are 7 incoming and outgoing flights daily during peak season and 3 flights during normal days. There are also direct flights from the Reunion Island. Outgoing passenger's luggage are scanned however incoming luggage are not scanned. Only one sniffer dog is available at the airport for all purposes. Employees who have access to the airside like the luggage handlers and engineers are not checked before leaving the premises.

During the site visit, the Commission noted that scanners are present to scan the luggage of outgoing passengers only while the inbound baggage was sent to a designated area where one sniffer dog was let loose to sniff all luggage.

The Commission was informed that the staff are not especially trained for drug detection, the airport is CCTV covered but some of the cameras are not operational, monitoring is done in an amateurish manner during entry to the airside area, screening and profiling is not done, only visual observations are made. The VIP lounge has a direct access to the airside area and the VIP are not screened.

The Commission viewed with serious concern when it was apprised by the Airport Manager that few cannabis plants had been found growing inside the perimeter of the airport, leaving lots to be desired regarding security issues.

18.7.1 RECOMMENDATIONS

The Commission recommends that:

(a) The outdated cameras to be replaced with new sophisticated ones;
(b) Posting of additional police officers for patrolling the airport area;
(c) Supervision of the loading and unloading of luggage from the aircrafts;
(d) Posting of ADSU officers on a permanent basis at the airport and not only on arrival and departure of planes;
(e) ADSU officer to be present in the baggage outgoing and collecting area and profiling to be done;
(f) Accompanied luggage to be screened in the presence of ADSU officers;
(g) All staff leaving the airport should be thoroughly searched.
(h) Direct flights from Reunion Island being an international flight should be considered as a high risk one and present a potential threat, the more so as traffickers could be transiting at Reunion prior to coming to Mauritius via Rodrigues as the security system is lax there. Strict search and profiling is recommended.

18.8 PRISONS DEPARTMENT

The prison is relatively small and has a staff of 36 officers under the responsibility of a Chief Prison Officer. When the Commission visited the prison, there were a total of 50 prisoners, two of whom were female. Out of the 50, 15 males and one female were on remand. The statistics is as follows regarding drug offences either for possession or for cultivation:

Year	Convicted	On Remand
2010	1	1
2011	3	2
2012	3	9
2013	11	14
2014	9	32
2015	1	22
2016	0	14

The Commission was informed that, unlike in Mauritius prisons, there is no drug usage in the prisons, no drug trafficking by the prisoners with the help of mobile phones and rival gangs do not exist. Most of the convictions were for larceny and cannabis related offences but no heroin or synthetic drugs. In December 2011, was found cannabis green leaves on a detainee during a strip search when the detainee returned from court. And in 2014, outside the prison, a parcel with green leaves 2014 was picked up. Since then, there had been no incident to try to bring drug in prison. There was only an attempt to bring a mobile phone inside which was picked up near the fencing to be collected by a prisoner who was assigned outdoor work.

Since the store is outside the compound for prisoners, the goods vehicles do not have access inside. Since the recreation yard for prisoners was some 100 metres from the fencing, there was no incident of pelting.

For visitors there was only a rub down search. The prison is not fitted with a scanner and it was not felt necessary as there was sufficient manpower. Only one visit was allowed per day. The only problem which the administration is facing is the convicted prisoners are not separated from those on remand because of the structure of the prison. The Officer in Charge finds that there might be a danger of a person arrested for larceny being lured by traffickers to bring drug inside the prison. The Officer does not feel the need of having a CCTV camera. NGO's visit the Prison inmates regularly to give lectures. Information obtained from the inmates are shared with the ADSU.

During the visit of the Commission the following observations and deficiencies were made and to address those issues.

18.8.1 RECOMMENDATIONS

(a) CCTV cameras to be installed at strategic places;
(b) Concrete walls to replace fencing and to increase the height of the surrounding walls at certain places;

(c) Provision to be made for additional dogs for patrol , binoculars to keep watch from the tower, Body Orifice Security Scanner (BOSS) chair and a metal detector to detect prohibited articles entering the Prison,

(d) To build a separate section to house those on remand or convicted prisoners depending on the capacity of the actual set up in order to comply with International Convention.

18.9 MRA/CUSTOMS

The Customs department has a staffing of 10 officers out of which 3 are based permanently at the Airport, one at the Post Office, 3 at the Port and the others at the Headquarter in Port Mathurin to deal with taxes and VAT. Its main preoccupation is trade facilitation coupled with risk management and border control at the Airport, the Port and the Post Office especially to detect drug. There is no issue of revenue collection as all is done on the mainland. There has been no case of drug importation detected by the Customs and it works in collaboration with ADSU. For all flights, domestic and international as well as for the ships, the Customs has an advanced copy of the passengers' list to enable it to carry out its profiling. Matter such as frequency of visits is taken into account. All parcels are scanned in the mainland and all parcels for Rodrigues go through the mainland. All parcels by air are sent to Port Mathurin for physical check by the post office in presence of the Customs since there are many parcels from E-bay etc and the Customs decide if there is any issue with the contents. Parcels from other countries are sealed in a bag by customs especially for purchases over the internet for duties purposes. There is no scanner at the Port but one has been requisitioned. Only a physical check is effected regarding the parcels. However there is no sniffer dog at the Post office but there is one at the Port at the time when there is business while there is one permanently at the Airport. There is no technological equipment and there is a need for training for detection of drugs. In the absence of reward money, it was difficult to gather information.

Some 30 to 40 yachts call at Port Maturin and not all are searched. There is strict surveillance in the Port especially when there is a ship and although small boats may sail around, they are being monitored.

It was observed by the Commission that the custom officers and the other stake holders often do not work as a team with a view to impose a better control upon the activities of the Airport or Port, which might lead to a breach in security and easy movement of illicit goods. Shortcomings regarding scanning and search were also noted.

18.9.1 RECOMMENDATIONS

(a) The ADSU and the Custom officers work as a team instead in isolation;
(b) To scan all incoming luggage from Reunion Island and strict control over passengers;

(c) From the advance list of incoming passengers (ship and plane) profiling to be done to identify potential traffickers;
(d) More sniffer dogs to be deployed;
(e) Scanners to be provided for the Port;
(f) The Customs to be provided with technological equipment to enable detection of illicit drugs;
(g) The necessary training be given for the officers to enable them to identify the various drugs.

18.10 POSTAL SERVICES

All parcels and packets sent to Rodrigues have supposedly already been scanned in Mauritius and therefore the Post Office just forward the local parcels without any further check. However for parcels which come from foreign countries, there is a physical check by Customs regarding duties and whether the goods are prohibited ones. The consignees are sent coloured cards for them to collect the parcel. There had never been any packet suspected to contain drugs. The Post Office at Port Mathurin does not have anything to do with DHL, TNT and other International Courier Services. At least 1000 parcels in respect of e-commerce are received weekly in Rodrigues.

The commission recommends that:

(a) A scanner be installed to scan all parcels and packets leaving Rodrigues especially for the mainland;
(b) A sniffer dog has to be present during checking of letters and parcels,
(c) Training in identification of drugs be given to the staff.

18.11 YOUTH SERVICES

The Departmental Head informed the Commission that statistics are not collected by his department and if ever they need information the NGO – CRAC, who works with the Commission for Health provides same. And sensitization is done by Police and NGO" S during leisure activities for youth between the age 16 to 29. No sensitization programs are carried out by the Youth Department at school.

The commission recommends that:

(a) This Department must collect, keep and disseminate statistics to other concerned stakeholders. Such an exercise would give an idea of the prevalence of drug usage among the youth, its distribution according to age, region and would also help treatment and prevention planning strategies.

(b) Sensitization programs to be carried out also in schools as well as other sectors.

18.12 NATIONAL COAST GUARD [NCG]

The Commission was informed by the officer in charge that the National Coast Guards [NCG] has a staffing of 40 members and its headquarters is at Pointe Monier, near Port Mathurin. NCG has one heavy duty boat with twin engines of 200 horsepower capacity which can reach up to 20 kilometers at least, about 12 nautical

miles off Rodrigues and 3 inflatable zodiac with outboard motors of power ranging between 25 and 40 horsepower which are used for surveillance in the lagoon as well as in the Port. Soon it will be acquiring getting a fast interceptor boat with a wider range. There is also a coastal radar surveillance station on top of Mont Malartic that is at 380 meters inland in the center of the island where it can scan the area and get radar contacts. The radar can reach a radius of 96 nautical miles and it is about 175 kilometers away from Rodrigues. At the surveillance station, there is an Automated Identification System [AIS] that correlates radar contacts and provides information regarding the name of a particular ship, its speed, and its destination.

Besides conducting search and rescue operations under the National Coast Guard Act, its three main duties are (i) to enforce any law relating to the security of the Republic of Mauritius, (ii) to ensure that the enforcement of all laws related to a security of the maritime zones and (iii) to prevent any illegal activity, prevent, detect and suppress any illegal activity within the maritime zones of the Republic of Mauritius.

Patrol in inflatable zodiac is effected on a daily basis as well as randomly at night on a shift system. In the Port area, the monitoring movement of ships and any vessel in Port Mathurin as well as combatting illegal activities, mainly illegal fishing in the waters around Rodrigues are done. Inflatable zodiacs are carried across the island mainly in a place which is most likely where other vessels can enter the passes like at Port South East.

The NCG has an access control post at the Port where staff are posted to control and monitor any activity. The NCG keeps radio contact with ships or yachts which enter or intend to enter Port Mathurin. And after clearing, boarding is effected, the frisking of the crew and a random checks of the cargo hold.

Five operations were carried out jointly with ADSU in the lagoon since 2013 with the objective of sanitizing the small islands and small islets found inside the lagoon where some 90 cannabis plants were uprooted.

The NCG also gets regular aerial support from the patrolling over the region as well as support from surface craft from the mainland like the 'Guardian' and the 'Barracuda'. It is the Commission for Fisheries which grants licence for pleasure crafts and fishing boats. Big fishing vessels are moored in the harbour.

The Commission observed during a site visit that the radar which was the main equipment used for surveillance were either out of order or defective since months. Drug detecting kits were not available.

18.12.1 RECOMMENDATIONS

(a) The radar system and the UPS, be replaced with a modern and sophisticated one;
(b) Proper and regular entries be made in the log books regarding status of equipment and other maritime activities.;
(c) More boats to be acquired for patrolling and interception;
(d) To acquire powerful drones for surveillance of the vast extent of sea when the Dornier is not on the island.

18.13 FORESTRY DEPARTMENT

The Commission was informed that the Department has a staffing of 23 and at that point in time 21 were following a diploma course resulting in the absence of monitory during that period. The Departmental Head stated that additional costs are incurred when training is given in batches.

In the Agricultural Sector, 90 % of land belongs to the State and 10% are privately owned. Cultivation of cannabis is done under the cover of pasturage and in the valleys.

The Commission recommends that:

(a) The Forestry Department to be given a high priority rating.
(b) Training, proper equipment and facilities, such as transportation to be provided to forestry officers to carry out their duties more efficiently;
(c) A back up system to be set up to shoulder the Forestry officers in situations where drug cultivation is discovered.
(d) Firearms and mobile phones to be given to the Forestry officers.
(e) Drones can be deployed to scan regions that are inaccessible to the Forestry guards.

18.14 FISHERIES

The officer who was deposed before the Commission, the acting Controller seemed to be completely ignorant about the function of his Department. He informed the Commission that its mandate was to issue Fisherman cards, carry out patrol in sea and land. It has 23 landing stations and fishery officers are not present at those places. Training is not offered to fisheries officer.

The Commission recommends that:

(a) The responsible Officer should be a proactive person having good knowledge of the functioning of the Department, together with administrative and managerial skills instead of seniority based appointment.

(b) Presence of fisheries guard at the fish landing stations.

(c) This Department should work in close collaboration with the NCG and ADSU for information sharing and joint intervention at sea pertaining to fishing boats inside or outside the lagoon.

(d) All boats sailing on high seas should obligatorily be manned with tracking devices for monitoring.

18.15 EDUCATION SECTOR

The Commission was informed that drug issues have not been discovered in the school settings except for tobacco and alcohol related cases. However, three staff members and a few students were caught in possession of cannabis outside school premises. At the Grande Montagne School premises, one plant of cannabis was found.

Drug related preventive programs are not carried in public schools. However, in Private Secondary, sensitization programs are offered to a certain extent by the NGO - CRAC and ADSU officers

The Commission has been informed about the poor knowledge of teachers and students in drug related matters.

The Commission recommends that:

(a) Widespread sensitization programs to be carried out in all private and public schools. High risk schools to be identified for more aggressive campaign.

(b) Special cells composed of Psychologists/PTA/Social worker/Commission for Youth services/ health sector/Police Sector should team up in the fight against Drug.

18.16 ADSU

ADSU headquarters opened its doors in 1998 at Port Mathurin and at the Airport. It has a work force of 10 persons. The Commission was informed by the Officer in Charge that 90% of drug cases are cannabis related.

Jean Alex Andre, a police constable who deposed before the Commission said that he was posted in ADSU during the year 1998, then transferred to NCG, back to ADSU, and in 2013 to Police station of Port Mathurin. He alleged that while he was inquiring on the case of a certain Pooteeran, who is a cannabis planter, he was transferred. He is of the opinion that his transfer was orchestrated by some colleagues, due to internal conflicts. Under oath he mentioned the names of Cupidon a drug dealer, Potirons (Ile Michel), Maurice Pierre (Bois Marchand-Mauritius), Rico Bancourt (wholesaler) & Rico Philippe.

Jean Jerry Clarel Marcelin, police sergeant, during his deposition to the Commission said that Gandia is easily available in Rodrigues. He alleged that there was interference from Rodrigues Administration and Mauritian Authorities in the transfer of police officers and cited the example of Mr. Samoisy who was a whistle blowers and in spite of doing good job was transferred after the death of Mr. Philippe.

Samoisy Michel police constable of Rivière Coco Station, posted at ADSU since 2010 deposed against Rico Philips who allegedly is involved in politics and political financing following which the latter was sentenced to jail for eleven months where he committed suicide. Subsequently Mr. Michel Samoisy was transferred. He is of the opinion that his transfer was prompted due to political revenge. He alleged that the Divisional Commander attends political reunions which is not in order.

The acting Divisional Commander. Seewanand Kishtoo, deposed before the commission and could not answer any questions set to him by the commission and he pretended not to be aware of any events that was taking place in the Island or any police intervention The commission is of the view that most likely either he was being kept aside as he did not belong to the inner circle of the administration or he is an incompetent officer.

The Divisional Commander, ACP Mr Rajaram was summoned before the Commission in Mauritius. He informed the Commission that the Police, ADSU, SMF, CID, NSS, NCG fall under his jurisdiction. Most of the cases were cannabis related cases. Five cases of synthetic drug were detected in 2015. In 2014 and 2015, 32 and40 persons were arrested respectively for possession of cannabis. Total number of persons arrested for all offences in 2014 was 94 and 83 in 2015. The Divisional Commander said that there was no political influence from the politicians.

The Commission recommends that:

(a) Capacity building for the officers.
(b) Availability of detection kits.
(c) To work in close collaboration with the Customs Department.
(d) Rodrigues being a small island with a small population, most of the inhabitants have a family member or close relative serving in the Police Department, leading to the possibility of breach in keeping confidentiality. There should be rotation of officers to Mauritius and not to solely post Rodriguan people to the Rodrigues Police Force. Rotation of ADSU officers to Mauritius and vice versa with a view to decrease information leakage at the same time to get more exposure to the latest technologies and methods of investigation.
(e) To increase the personnel from officers from the mainland on a roster basis.

18.17 ICAC

The ICAC has a small office at Port Mathurin. It has a very small workforce and does not inquire on any case per se unless instructed from the mainland. It must under the law forward all complaints and reports to the headquarter for decision taking and the way forward.

The Commission recommends that:

(a) The ICAC should be operational on a full-fledged basis and the office be empowered with adequate staffing from mainland and logistics so that it can investigate and come up with concrete evidence for prosecution, the more so that there are possibilities of residents from the mainland laundering money in investing in companies and other businesses and purchasing properties.

(b) To work in close collaboration with the MRA and the ADSU to track those traffickers for money laundering offences.

18.18 CRAC, OTHER NGOS, SOCIAL WORKERS AND RELIGIOUS BODIES.

The Program officer of CRAC, an anti-drug NGO working for the prevention, information, treatment, rehabilitation and reinsertion of drug users deposed before the Commission. Its activities also include sensitization against tobacco, alcohol, psychotropic and psychoactive substances. Its carries out its activities at the school and college levels and it is affiliated to the NATReSA previously.

He raised concern regarding the prescription of psychiatric drugs by doctors after patients have been referred from Mauritius.

Another NGO, a ladies' organization founded in 2010, has 43 members providing sensitization and prevention programs around the island. Training is given to them by the NGO CRACK. It is affiliated to Ministry of Health and Quality of life.

The perception is that police officers are not always reliable because they leak information and as a result people are scared to give information due to retaliation. There is a wrong conception of soft drug being wrongly compared to tobacco and alcohol with a view to promote use of soft drug. He recommends that the youngsters be well-informed about the devastating effect of drug use.

Rodrigues college is under the aegis of the church and one case of drug usage had been reported which was subsequently reported to the police.

One of the social worker and member of the Rodrigues Regional Assembly informed the Commission that there are no psychologists to sensitize the public. He mentioned that containers are not scanned or screened, that the containers park has only one officer on duty, and dealers go on board the ships to collect parcels at odd hours. There is no surveillance for cargo passing near the Island and fishing vessels are not controlled.

The Commission recommends that:

(a) The members of CRAC must be given training by health care specialist in Mauritius in the field of substance abuse.

(b) Mass sensitization on programs to be conducted in collaboration with other NGOS, Religious bodies and the different authorities.

(c) A strict prescribing protocol to be issued to the doctors for better control of the psychotropic drugs.

18.19 TRAFFICKERS FROM MAIN LAND

The Commission hears from a representative of the Rodrigues Regional Assembly about the traffickers purchasing property in Rodrigues. It is the modus operandi of traffickers to shield behind bogus companies to set up businesses. All relevant authorities must be very vigilant and coordinate their efforts and exchange information for investigation to be taken by FIU or ICAC regarding possibility of money laundering and actions taken.

CHAPTER 19: THE HONOURABLE PROFESSION-BARRISTERS

19.1 INTRODUCTION

The Commission scrutinised the visitors' book for barristers kept by the Prison Authority as well as sim cards and mobile phones secured from prisoners to compile a list of barristers who were in contact with prisoners through unlawful means. This has revealed some highly disturbing elements concerning the possible malpractices of certain barristers, some of whom also happen to be politicians. The Commission fails to understand notably how some barristers were able on a single visit to confer with several convicted drug traffickers as well as with a certain number who were on remand.

The Commission did however not deem it fit to call every single one of them as this would have protracted the work of the Commission needlessly inasmuch as hearing from them all would have brought in no new elements to the enquiry. The Commission called only those barristers who had been in unlawful phone communication with convicted traffickers and other detainees incarcerated for drug offences. The Commission also thought it fit to call those who effected unsolicited visits to those prisoners, to understand how such a state of affairs could have prevailed.

19.2 NO FURTHER ADO

Section 10(2)(d) of our Constitution provides that "every *person who is charged with a criminal offence—shall be permitted to defend himself in person or, at his own expense, by a legal representative of his own choice or, where so prescribed, by a legal representative provided at the public expense;". Likewise, when someone is arrested, he has a constitutional right to "be afforded reasonable facilities to consult a legal representative of his own choice...*". But with every right comes certain responsibilities and any person arrested or so charged as well as his legal representative are bound to act within the parameters of the law.

Nowhere is it provided that when a person has been convicted and is serving sentence, having therefore no longer any legal business with the courts, that that person may avail himself of a right to counsel as is provided under the Constitution. Prison rules apply and it remains for the prison administration and the *Juge d'Application des Peines* to lay down conditions for the admission of lawyers within the prison precincts but also to look into any complaints from detainees pertaining to the general conditions of detention under the safeguard of the National Preventive Mechanism of the National Human Rights Commission.

19.3 COUNSEL'S ETHICS: NO PLEA OR BARGAINING

(A) As aptly summarised in the introduction to the Code of Ethics: *"Any breach of the Code constitutes professional misconduct and will render the barrister liable to disciplinary proceedings. This must be the obvious consequence of a violation of the ethics of the profession. The respect and trust of peers is priceless. It is good to bear in mind that reputation for underhandedness will remain with any barrister throughout his career. (...) It is a mistake to suppose that he is the mouthpiece of his client to say what he wants or his tool to do what he directs. He must not consciously misstate the facts. He must not*

knowingly conceal the truth. (...) He must disregard the most specific instructions of his client, if they conflict with his duty to the Court. The code which requires a barrister to do all this is not a code of law. It is a code of honour."

(B) The relevant excerpts below from the Code of Ethics for Barristers have been reproduced below, so that the limits of counsels' duties *vis à vis* his client are unambiguous:

(...) A barrister shall not – (a) engage in conduct, whether in the pursuit of his profession or otherwise, which is – (i) dishonest or otherwise discreditable to a barrister; (ii) prejudicial to the administration of justice; or (iii) likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession into disrepute;(...)

Acceptance of Briefs and Instructions

(...) A barrister shall not handle a criminal case for a party except on the party's instructions or with the party's consent on the instructions of another barrister who himself acts for the party. He may, however, act in a case in which he has been instructed by another barrister who himself acts for the party.

A practising barrister shall cease to act and, if he is a barrister in independent practice, shall return any brief or instructions where ... (b) having accepted a brief or instructions on behalf of more than one client, there is or appears to be – (i) a conflict or a significant risk of a conflict between the interests of anyone or more of such clients; or (ii) a risk of a breach of confidence; and the clients do not all consent to his continuing to act; (...)

Conflict of Interest

(...) a barrister shall not advise, represent or act on behalf of two or more clients in the same matter if there is a conflict or a significant risk of a conflict between the interests of those clients. He shall, in such a case, cease to act for both clients and he shall further cease to act whenever there is a risk of a breach of confidence or where his independence may be impaired. (...)

(...) A barrister shall refrain from acting for a new client if there is a risk of a breach of confidence placed in him by a former client or if the knowledge which he possesses of the former client would give an undue advantage to the new client.

(C) An accused party under the Constitution is entitled to have a counsel of his choice, if he has the means to retain one and counsel has taken the oath to defend his client to the best of his ability. In the circumstances, the fact that a counsel appears for a trafficker is no concern of the Commission. Counsel is not the mouthpiece of his client but he is there to advise him within the parameters of the law. Counsel should be wary of any transgression of the law

and of the Code of ethics since this may lead to disciplinary action being instituted against him. The Commission has obviously not called all counsel in the profession who have appeared for a drug trafficker. It has only done so when there were reasons to believe that there had been a failure by counsel to comply with the law and the Code of ethics and to afford him an opportunity to explain, before the Commission made recommendations against any errant counsel.

(D) It is clear from the above excerpts of the Code that any breach by a barrister in the exercise of his profession is amenable to disciplinary sanction even leading to disbarment. Counsel, who instead of advising his client on his legal rights, gives advice which is tantamount to perverting the course of justice runs great risk of being taken to task as he becomes an accomplice or a conspirator. It is also unethical for counsel to appear for somebody who is already represented by a law practitioner without counsel having informed the other law practitioner who might well decide in the circumstances to withdraw from the case.

(E) The Commission notes that several notorious drug traffickers have numerous barristers at their services momentarily in the same case and who thereafter vanish to reappear suddenly after a while. There is nothing wrong at first sight if the accused has the means to pay.

But the danger is obvious if the various counsel have meetings with different accused parties who are provisionally charged in the same case and counsel's names do not appear in the Court record but are found only in the prison's visitors book. What was the role of the counsel visiting a prisoner when his services had not been retained. Was he acting as a spy for the benefit of another accused? Unfortunately, the relevant authorities did not address their mind to the danger of collusion and the DPP's office had notified the Commission of a few instances. The Commission also heard of the dishonourable acts of counsel in the case of Velvindron and Bottesoie. The fault lies with the Prison Administration, as already alluded to, in allowing counsel to entertain unsolicited visits and with many prisoners at one go

(F) The other danger which the Commission noted is the case where suspects X and Y are charged provisionally together and suspect X is visited by the accredited junior counsel while his senior would appear for suspect Y. The worst scenario would be when both counsel are in the same Chambers. The likelihood of collusion cannot be brushed aside and the authorities must be vigilant to report such instances to the Attorney General, DPP or the Master and Registrar so that the necessary action can be taken to purge the profession of its black sheep. It is most unfortunate that the Commission did not hear from the Bar Council save when it requested from the Commission particulars in respect of one barrister who was said to be in the radar of the Commission.

19.4 UNLAWFUL COMMUNICATION? NOT REALLY AWARE!!

As far as unlawful communications between barristers and detainees were concerned, the Commission called the barristers in question to give each one of them the opportunity to explain their actions. In some instances, the Commission believes that

the ignorance was genuine rather than feigned as in other cases. Those barristers pursued with their depositions humbled and were apologetic not having had full awareness of the *dire* consequences of these communications and intending at the time, no harm.

However, section 61(2)(d) of the Reform Institutions Act in no uncertain terms provides that no person shall communicate with a detainee or cause any other person to do so. It is also provided that any person who acts contrary to this provision "*shall commit an offence and shall, on conviction, where no specific penalty is provided, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.*"

Some barristers have provided explanations to the effect that they were not aware that prisoners were using their mobile, a hardly convincing explanation in the era of caller number ID available on all mobile phones and smart phones. More preposterous was the explanation, when the communication lasted for a few minutes, that counsel did not know that the person was a prisoner. For all we know advice is not given over the phone, the more so if the person is unknown to counsel, the obvious thing to do would have been to ask the caller for his name and to attend the office of counsel on appointment. The Commission was bemused by some of the preposterous explanations given by some counsel.

19.5 NOBLE PROFESSION ...

19.5.1 BELLIGERENT ATTITUDE

The Commission has noted the haughty, obnoxious and belligerent attitude and panjandrum posture of some of those called and who undoubtedly were totally oblivious of the fact that they belonged to an honourable profession with its deeply ingrained code of ethics by which every single barrister is to abide. The Commission nevertheless stood its ground and maintained a firm grip on the entire unfolding of the proceedings. The need to resort to its full powers under the Act to put these individuals back in their place, was luckily not felt.

The Commission summoned some of them to ask them for explanation regarding their dealings with drug traffickers. They did not appear before the Commission as an accused party and yet some who professed to have years of standing would request detailed particulars of information in the possession of the Commission. One even tried to seek an injunction from the Supreme Court for that matter and was hoisted with his own petard.

19.5.2 INSUFFICIENT AND IRRELEVANT INFORMATION IN SUPPORT OF TESTIMONIES

A few of the barristers from whom the Commission had requested communication of documents pertaining to certain allegations which were levelled against them, simply dumped a load full of paled out, nay intelligible photocopies of receipts, vat returns, irrelevant documents, whole sets of proceedings from drug cases and so on, before the Commission. A quick perusal of those documents was sufficient to convince the Commission of their irrelevance and not to waste any of its precious time going over these in any greater depth as they were not the information sought.

19.5.3 BLACK SHEEP

The Commission has very strong reasons, in the light of the evidence adduced before it, to believe that there is a handful of barristers who may have acted and may still be acting in a most unethical manner, if not engaging in illicit activities such as obstructing the course of justice; intimidating witnesses; causing witnesses to diverge from their original statements/version thereby abstaining from incriminating certain drug barons; likely to have been using drug money to finance political campaigns; possibly money laundering the proceeds of drug trafficking in accepting wilfully tainted money; accepting cash beyond permissible amount and not accounting same in their VAT receipts and generally fostering incestuous relationship with drug tycoons. By their reprehensible conduct, they are branded by the public with all sorts of names.

19.5.4 SPECIFIC CASES

However, the Commission would be failing in its duties if it did not comment on some of them in particular. The Commission would not have called these barristers had it not received information of potential breaches of the Code of Ethics. Most of the barristers were summoned by the Commission based on evidence of communication with prisoners. However in the case of Mr. Kandhai, Mr. Stephen and Mr. Gulbul where the Commission received no evidence that they had communicated with prisoners as per prison records, they were called on account of other reasons as explained below.

1. MR. RAOUF GULBUL

The one topping the hit parade is no more that the politician cum barrister Mr. Raouf Gulbul, a former magistrate, who was heard during 4 sessions. The Commission was somehow perplexed that its Investigating Team was unable to secure from the itemised bill from the telephony service providers any exchange of telephone communication between counsel and his clients in prison, the more so that he had stopped visiting his clients in jail and the Commission wonders how he obtains instruction from the detainees to be able to defend them in court.

The Commission noted that the names of some of his juniors did appear in the book of visitors for barristers. The Commission has no qualms if the juniors went for the purpose of seeking instructions. Ms. Shamloll, one of the juniors, apprised the Commission of a troubling fact that her senior uses a 'black phone' which would be the reason that he could not be traced. Even his nephew, who worked as his clerk, deposed against him confirming that his employer made use of several phones, which number he was not aware of. This was also confirmed by his official driver during the electoral campaign, Mr. Sabir Gungaparsad.

Much more serious was when Ms Shamloll testified that she was mistaken by somebody unknown to her for another junior (a lady) when she was in the office of Mr. Gulbul, and that person asked her whether she had already been to the prison to speak to a female prisoner who had implicated a suspect for whom Mr. Gulbul appeared.

Furthermore, before considering the recommendation to be made in respect of Mr. Gulbul, the Commission took into account the following:

(i) 'DEVIRE L'ENQUETE'

The complaints and allegations against Mr. Gulbul by his former clients namely Mr. Bottesoie and Mrs. Jeeva.

(a) The Commission notes that in spite of the adverse comments against counsel made by the trial judge in the case of State v Velvindon [2003 SCJ 319], despite the testimony under oath of Mr. Bottesoie and yet after a perfunctory enquiry, the DPP advised no further action;

(b) Mr. Bottesoie stated under oath that his then counsel, Mr. Gulbul visited him in prison to try and influence him to lie in Court and not to implicate Mr. Velvindron in return for a sum of Rs5m which averments were supported to some extent by Mr. Gulbul's nephew who was working as his clerk. Mr. Bottesoie wrote to the Master and Registrar, the Commissioner of Prisons, the Head of the ADSU complaining of the demarche of Mr. Gulbul and he even refused to see him when he called at the prison;

(c) Mrs Parweeza Jeeva arrested for drug trafficking in connection with the notorious drug trafficker, Mr. Veeren Peroumal, explained that neither her nor her family ever retained the services of Mr. Gulbul. She maintained that Mr. Gulbul had in fact been 'instructed' by Mr. Veeren Peroumal who had paid the sum of Rs468,000 to counsel to take up her defence which both the drug trafficker and counsel denied.

(d) Before the Commission she maintained that Mr. Veeren Peroumal and Mr. Gulbul told her to *'devire l'enquete'*. Mr. Gulbul's nephew, Mr. Riaz Gulbul, testified that Mr. Gulbul had requested him initially to visit Mrs. Jeeva at the ADSU office to tell her not to implicate Mr. Veeren Peroumal. Mr. Gulbul also offered his nephew to rejoin his office with an increased salary but in return he would be expected to give a statement at the CID in favour of Mr. Gulbul, should the police ever convene him.

(e) Mr. Riaz Gulbul, who was not questioned by the police when an enquiry was carried out, deposed to the effect that he personally received cash from the mother and sister of Mr. Veeren Peroumal who told him that this money was for Mr. Gulbul to represent Mrs Jeeva;

(f) The testimony of the uncle of Mrs. Jeeva that he was called by Mr. Gulbul to sign a document to authorise him to appear for Mrs Jeeva and he denied having paid counsel any money despite the two VAT receipts produced by counsel as he had no means.

(g) The Commission has information of possible cases of interfering with witnesses not to depose against drug 'trafficker' e.g case of Petricher and Eole.

(ii) COUNSEL'S FEES PAID WITH DRUG MONEY

(a) Mr Siddick Islam, his former client deposed to the effect that he retained the services of Mr Gulbul who in turn advised him to retain the services of 4 to 5 other lawyers. He maintains that in all he spent some Rs25 million, which he

earned from dealing in drugs, in barristers' fees, many of whom he never retained their services but they came to him nevertheless.

(b) Mrs. Vavra who also deposed and confirmed that this amount was paid to lawyers. She was also very bitter against Mr. Gulbul accusing him of having extorted money from her husband for his defence and contrary to their expectations, Mr. Gulbul, along with his panel of lawyers, had failed to act in his interest and represent him as was expected.

(c) Notorious drug trafficker Mr. Veeren Peroumal bragged that he became a drug trafficker in the prison because of the high fees claimed by counsel, which he paid with drug money.

(iii) CONFLICT OF INTEREST

The Commission has been apprised of instances of conflict of interest involving Mr. Gulbul. The Commission at great pain made him admit that at the time when he appeared for Mrs Jeeva who had implicated Mr. Veeren Peroumal in a drug transaction, he was also the counsel for Mr. Veeren Peroumal.

Similarly in another case involving Mr. Agathe and Mr. Salva in a case of money laundering which has a drug transaction background, he does not deny that he did appear for them but in a different case. The Commission, after perusing the case file, does not agree with Mr. Gulbul.

(iv) FUNDING OF POLITICAL CAMPAIGN BY DRUG TRAFFICKERS

(a) The Commission received testimony that Mr. Gulbul would have received important sums of money from drug traffickers to finance his campaign. During the political campaign of Mr. Gulbul, it was alleged that he came out from a house in St.Pierre with a big black bag which he alleged contained pamphlets but which Mr. Golaumally's driver, to whom it was remitted for safekeeping in the boot, maintained it was full of money in cash;

(b) Ms. Shamloll told the Commission, supported by a print copy of her WhatsApp message received from M. Sada Curpen, a drug trafficker in the eyes of the ADSU, who became her client with the blessing of Mr. Gulbul, that he did contribute financially in the political campaign of his counsel, Mr. Gulbul. Mr. Sada Curpen before the Commission did not deny while Mr. Gulbul denied.

(c) The Commission also heard that apparently an amount of Rs 2.5 Million had been spent for the campaign. It was noted that Mr. Gulbul and his team of some 10 people would often eat at Gloria Food, belonging to Mr Azaree, for free during the electoral campaign. The said Mr. Azaree was called by the Commission and did not deny that fact and he is presently on remand in a serious case of importation of heroin. Mr Khalil Ramoly, owner of a Spare Parts Garage was also called by the Commission and he allegedly provided several cars to Mr. Gulbul during the campaign.

(v) FORMER DRUG OFFENDERS AT THE SERVICE OF MR. GULBUL DURING THE ELECTORAL CAMPAIGN

Mr. S. Golaumally and Mr. A. Hurranghee his campaign manager and deputy respectively testified that their candidate was accompanied by people who were his former clients having court cases for drug offences and this was also confirmed by Mr. Noor Hossenee who was dealing with the financing aspects of the campaign. Ms. Shamloll and Mr. Sabir Gungapersad testified that they often saw Mr. Auguste, commonly known to ADSU as "Gros Patrick" evolving around Mr. Gulbul.

Mr. Riaz Gulbul further intimated than Gros Patrick was the "*tapeur*" and "*la main droite*" of Mr. Raouf Gulbul. His nephew also told the Commission that Mr. Sada Curpen was a regular visitor to his employers' office.

(vi) SUBORDINATION OF WITNESSES BEFORE THE COMMISSION

(a) His fellow barristers Mr. Samad Golaumally and Mr. Ashley Hurranghee testified against him. Mr. S. Golaumally testified that prior to them coming to depose before the Commission, they met Mr. Gulbul, at his request in Ebène. He effected a body search on them, before asking them in no uncertain terms that he wanted them to either be very economical with the truth or lie before the Commission.

Mr. Hurranghee had no qualms in calling Mr. Gulbul a liar when he was told that Mr. Gulbul denied that there was such a meeting.

(b) Mr. Riaz Gulbul also testified that he was offered Rs300,000 by his aunt and uncle, the sister and brother of Mr. Gulbul, not to depose before the Commission and if he did, to do so in favour of Mr. Raouf Gulbul;

(vii) INSTRUCTIONS TO JUNIOR TO REPLENISH ACCOUNT OF PRISONERS

Ms. Shamloll was questioned about the replenishing of the account of a convicted drug trafficker, Mr. Faizal Hussain, an Indian National, in an amount of Rs5,000. She explained that on one occasion when he attended the office of Mr. Gulbul, the latter instructed her to put Rs5,000 in the account of Mr. Hussain which she did. The money was provided by Mr. Sada Curpen.

Mr. Riaz Gulbul confirmed that Mr. Sada Curpen did remit Rs5,000 to Mr. Gulbul to be deposited in the account of detainee Mr. Faizal Hussain. Mr. Gulbul accepted the money and requested one of his juniors other than Ms Shamloll to do the needful. The said junior refused to make the deposit in prison and Ms. Shamloll did make the deposit.

(viii) BLINKERS?

His position as the Chairperson of the Gambling Regulatory Authority, controlling the casinos, gaming houses and horse racing where the Commission has reason to believe, in the light of the various testimonies received, are the temples for money laundering by the accomplices of the drug traffickers is a matter of concern.

Mr. Gulbul appeared for Mr. Sada Curpen, who had a previous conviction for a drug offence and who is still before the Court for the offence of money laundering. His

defence all throughout was that the money which the ADSU seized from him came from gains in betting at the races and casinos. He supported same by producing allegedly winning betting tickets.

As Chairperson of the GRA, he did nothing to prevent the money laundering in casinos, gambling houses and the race course. In not taking any action, the Commission wonders whether he was condoning money laundering by drug traffickers.

He did send a note to the Commission after his deposition regarding the proposed actions following the "Recommendation from Commission of Enquiry on Horse Racing" which confirms that nothing was done until the very critical remarks in the Parry report.

(ix) ET TU BRUTE!

The Commission noted that the name and position of his spouse had been referred to during the sittings. It would appear that in the mind of his confrères Messrs Golaumally, Hurranghee as well as in the eyes of his junior, Ms Shamloll, they were more inclined to put their trust in and follow his guidance as he benefitted from the reputation of his spouse, a sitting judge of the Supreme Court. The mobile phone of his wife has also been used during the electoral campaign. But before the Commission, they had a different unflattering opinion of him ven calling him a liar..

(x) FOREIGN CURRENCY

The Commission heard that cash received by Mr. Gulbul was not accounted for to the MRA. It was his nephew, Mr. Riaz Gulbul, who was his clerk for several years who explained that when Mr. Gulbul's clients paid him in cash, he would request Mr. Riaz to exchange the rupees for pound sterling and on average during a week, he would exchange some 3000 pound sterling. Mr Riaz gave the names of two shops Bambino and Shayeem one near the bus terminal and the other Caudan passerelle. In both these shops no receipts were ever delivered. More especially when Mr. Gulbul and his spouse have to travel, Mr. Riaz had to call at those money changers to get the required foreign currencies.

(xi) BANK ACCOUNTS, TAX AND VAT RETURNS DECLARED INCOME V/S ASSETS !!

In November 2014, a property in Highlands for an amount of Rs 8 Million was purchased in the name of his spouse, out of which a loan of Rs 5.6 Million taken from Barclays Bank by his spouse.

Three properties were purchased in 1992 for Rs49,700, Rs198,000 and Rs198,000 respectively and one in 1995 for Rs600,000 but all were apparently sold.

In 1994, some Rs18,895,000 excluding registration fees and other costs were disbursed for the purchase of several properties with loan amounting to Rs5.6m.

From his tax return for the year 2015, which covers the period 1st January 2014 to 31st December 2014, the turnover was Rs3,392,150 with tax liability of Rs461,737. For the Income Tax year January 2013 to December 2013, the turnover was Rs5,214,400

with tax liability Rs712,260. For the Income Tax Year 2012, the turnover was Rs3,165,580 and the tax payable was RS392,674

The Commission went through his bank account statements, examined his VAT receipts most of which were illegible. The amount he obtained for his fees in criminal matters as per the VAT receipts sent to the Commission after his audition revealed that in 2013, he received Rs200,000, in 2014, it was Rs626,000; in 2015, the amount was Rs928,932, for the year 2016, it was Rs326.086 and in 2017, the amount was Rs643,476. The figures simply do not add up, notwithstanding his loans, and despite the fact that his spouse is a judge of the Supreme Court, the sale of a property at Sterling House to counsel Anupam Khandai and his wife for Rs1.9m in September 2013, the Commission wonders how he was able to purchase so many immoveable assets (house, flats, office spaces etc) amounting to several million rupees in spite of his spouse earning the fixed salary of a judge.

Information was also received by the Commission to the effect that Mr. Gulbul has acquired property for his daughter in the UK under possibly a *prête nom* and that he was in partnership with a Mauritian National established in London in a hotel in Tottenham Court Road, in a building known as Center Point. But due to the constraints faced by the Commission in terms of time and resources, it was not able to probe further in the veracity of the information. However, Mr. Gulbul denied same.

(xii) HIS EXPLANATIONS

When he was confronted with the issues mentioned above, in a gist, he stated that the information in the possession of the Commission was erroneous. He went so far as mentioning that there was a conspiracy against him. He treated his former friends, the counsel mentioned above, as liars. The VAT received produced were illegible and pale out. The amount shown could not have enabled him to purchase the properties mentioned.

In the light of the above, the Commission considers that there are matters of concern. If those facts are proved after enquiry to be exact, Mr. Gulbul might have committed numerous offences like subordination of witnesses, laundering money, accepting cash above authorised amount. Consequently, the Commission recommends that an in-depth inquiry and audit trail be carried out into the affairs of Mr. Raouf Gulbul and the relevant authorities to take whatever appropriate action they may deem fit.

2. MR KALIDASS TEELUCKDHARRY

The Commission needs to point out that amongst all lawyers who deposed before it, Mr. Teeluckdharry, accompanied by a panel of lawyers, tried to be very difficult. He was all the time on the defensive. His attitude towards the Commission almost verged on contempt accusing the Commission of mudslinging. He should know that there is freedom of expression in this country, a free press who has to bear any consequence of any defamatory article and the Commission has no power over the freedom of the press to publish articles which are not to the liking of counsel. When he was taken to task, he apologised.

Counsel had been in communication with a mobile number which was secured in prison from a prisoner Rudolph Derek Jean-Jacques also Gros Derek who was charged with an offence of drug trafficking. At one time, there were some 8 calls and on many occasions exchanges of

text messages. When he was queried by the Commission, Counsel could not recall the tenor of the conversation nor the person with whom he had those exchanges.

According to prison records, Mr. Teeluckdharry also held grouped meetings with several prisoners involved in drug related cases on certain occasions. Furthermore, information was brought to the attention of the Commission, unfortunately after his deposition before the Commission, so that the Commission could not seek his views, in relation to a case of possession / selling of gandia where the Commissioner of Police considered that Counsel Teeluckdarry had acted in a most unprofessional and unlawful manner and had referred the case to the Director of Public Prosecutions. Mr. Teeluckdarry represented Mr. Mooneeram who was identified by co-accused Mr. Wassil, but thereafter he interviewed Mr. Wassil although his services were not retained. As per information, counsel instructed co-accused to make a false declaration against ADSU officers which accused did. Thereafter Mr. Wassil came back to his original statement.

Mr. Teeluckdharry produced to the Commission a huge number of briefs apparently to justify that his visits were not unsolicited. The Commission perused the briefs and noted that the briefs produced were mostly irrelevant as they were not those accused mentioned by the Commission. However, he could not refute the unlawful calls made. Communication with prisoners not through the proper authorised channel is an offence.

The prisoners he saw were notorious drug traffickers many of whom were not his clients and the Commission has pointed out already of the dangers of seeing a prisoner in the circumstances.

The Commission therefore recommends that further enquiry be undertaken and leaves it to the relevant authorities to take any action they may deem fit.

3. MRS. ROUBINA JADOO JAUNBOCUS

From the itemised bill of a sim card obtained in prison, the enquiring team traced back a mobile number belonging to Mrs. Jadoo Jaunbocus, Bar at Law, and presently the Minister of Gender Equality, Child Development and Family Welfare, establishing that she had been in communication with the most notorious convicted drug trafficker, Mr. Veeren Peroumal whilst the latter was serving his sentence.

As per official records, it was noted that Counsel on the 30th January 2009, visited 17 detainees from 10.45 to 13.35, without being solicited. On another occasion counsel visited 15 detainees and often visited groups of prisoners. Counsel could not have been oblivious of the risk that she would in fact have been aiding the grouping of traffickers with a view to facilitating exchange of information between them on drug transactions or exchange of sim cards and other prohibited articles. Many of the drug traffickers whom counsel visited in prison were in fact not her clients. It appears that one of the detainees in the group even refused to see her.

The Commission believes that these were unsolicited requests. She has in fact appeared for many drug traffickers and offenders in spite of having said that she does not appear in drug cases.

The Commission Investigating Team got information very late after the passage of counsel before the Commission which showed that she had allegedly received, on 29th April 2008, the sum of Rs 50,000 from a Mrs. Maria Cupidon (arrested for importation of heroin) for

onwards transmission to drug trafficker, Kamasho, convicted for importation of heroin, who is still in jail, and also still very active according to the Prison Administration. The information was obtained from the bank account of Mrs. Cupidon. This is very serious matter as it appears that she had been the middleman in transmitting money to a drug trafficker, a likelihood of being an accomplice in money laundering.

Her mobile had been traced for having been in communication with a mobile phone in prison. And that prisoner must be Mr. Veeren Peroumal, because the next morning she visited him. She had visited a female prisoner, going by the name of Mrs. Bibi Ameenah Noordally, the mother in law of Mr. Veeren Peroumal, with counsel Stephen. When asked if she knew who that person was, her reply was in the negative but that she met her in her Chambers which the Commission pointed out was impossible as the said Mr. Bibi Ameenah Noordally was in jail.

The Commission notes that in spite of so many of her *confreres* and *consoeurs* and seniors representing Mr. Veeren Peroumal, it does not appear that she had informed her colleagues prior to advising the latter albeit that at one time she was in one of the earlier cases of Mr. Veeren Peroumal as the junior of late Mr. G. Ollivry Q.C. The explanation given by Counsel was that the group visit of detainees had been at the request of those detainees to discuss the case of Philibert and it had all been on a pro-bono basis.

The Commission has not found convincing the version of Mrs. Jadoo in relation to the phone call she received from a prisoner.

The Commission recommends that an in depth enquiry be carried out in the light of what has been highlighted above. The fact of communicating with a prisoner through unauthorised means is an offence under the law. The Commission leaves it to the relevant authorities to take whatever action they deem fit if the facts are proved.

4. MR. REX STEPHEN

The Commission is aware from the books of visitors for barristers who are those drug traffickers that Mr. Rex Stephen, a former magistrate, has visited. One of them is the notorious Mr. Veeren Peroumal. The Commission finds that the modus operandi of the notorious drug trafficker has been established beyond doubt, namely using other people to deposit money in cash to counsel or to his acolytes.

The Clerk of Mr. Rex Stephen, one Mr. Aboobakar Ibrahim, testified before the Commission that he received an amount of Rs1.5M which was deposited by a lady on behalf of Mr. Veeren Peroumal for work already done and for future work. The Clerk mentioned that on receiving the money, he contacted Mr. Stephen of same and he was instructed to lock up the money in the locker. That money was afterwards recovered by the ICAC. Mr. Ibrahim had phoned Mr. Veeren Peroumal several times and had also given instructions to Mr. Vishwanath Ashvin Ramdhian to visit prisoners involved in drug offences without being solicited.

The Commission remains in the dark as to what future services/work exactly this amount was destined and even counsel says he is not aware what work would be done subsequently. Counsel of that standing should know that accepting Rs1.5m in cash is an offence and moreover there had been a total failure to account the amount received to the VAT authority.

Bearing in mind that the notorious drug trafficker said that he paid counsel with drug money, Mr. Stephen ought to have been on his guard and to ascertain as to the source of fund, the

more so he should be aware that there is bound to be a restraint order on all the assets of the drug trafficker. In accepting such huge amount and most certainly of tainted origin, it was his duty to report the matter which he said he would have done at the time of his arrest by ICAC.

Mr. Stephen was given the opportunity to provide the Commission with the documents requested but this was not done to the satisfaction of the Commission. Bulk information in the form of receipts some of which were intelligible were provided but which fell short of amounting to a rational explanation.

The explanation of counsel that it was the doing of his employee did not convince the Commission.

The Commission therefore recommends that the authorities concerned probe into the affairs of Mr. Rex Stephen for the facts revealed breaches of the FIAMLA and to take any action they may deem fit.

5. MR. ANUPAM KANDHAI

The Commission has received evidence to the effect that on 3rd of February 2016, Counsel Kandhai went to pay a fine in the sum of Rs.306,000 for a prisoner, convicted for drug trafficking, by the name of Jackson Kamasho who also apparently received Rs50,000 from Counsel Roubina Jaddoo. The deposition of Mr. Sanjeev Gossagne Nunkoo, a former RED BAND officer in prison, was that being a former prisoner he was not allowed inside the prisons precincts, which version was supported by prison officers on duty that afternoon as can be gleaned from statements recorded from them by the Investigating team.

Mr. Kandhai's version however is that it was Mr. Sanjeev Gossagne Nunkoo who contacted him and who also paid the fine for prisoner Kamasho. He denied that he brought the money or paid the fine but maintained that it was all Nunkoos' doings and that he was told by Mr. Sanjeev Gossagne Nunkoo that the money came from Kamasho's family.

From the prisons reports it is Mr. Kandhai alone who went in to pay the fine yet the receipt was in the name of Mr. Sanjeev Gossagne Nunkoo. A perusal of counsel's bank account reveals that he was not earning much but suddenly with the Kamasho episode his account was credited on 15th February 2016 with an amount of Rs300,000 and two cheques for Rs10,000 and Rs22,400 and again on the 18th with an amount of Rs 175,000. The two payments within 3 days was more that his yearly income. The exact source of the money has to be accounted for and if it is drug money which he has wilfully accepted, he risks being implicated in money laundering of drug money. He explained that the Rs175,000 was from the sale of a car but for the Rs300,000, it remains unexplained.

When he told the Commission that he came to know Kamasho in 2016 through Mr. Sanjeev Nunkoo, that would be incorrect as the prison visitor's book for barrister revealed that counsel did visit prisoner Kamasho on 17th September 2015 more than 4 months before the fateful date in question. He had also visited Mr. Sanjeev Nunkoo in prison on 3 occasions in 2014 and the last time on the 9th February 2015.

Counsel's explanation was that on the 2nd February 2016 at 11.02 hrs, he received an email from one Anod Kamasho, supposedly the brother of prisoner Kamasho retaining his services and the request was "*that you assist him in the payment of his fine and airplane ticket back to our motherland Tanzania. I also request you to inform me about your fees for the services required*". Counsel stated that on the strength of that email, he immediately did the needful and Mr. Sanjeev Nunkoo provided the money for the fine which was denied

by the latter who stated he did not have that kind of money as after his case was dismissed, it was not easy for him financially.

If the email of the 2nd February 2016 is genuine, counsel was retained '*to assist in the payment of fine*'. As Mr. Sanjeev Nunkoo was not authorised to enter the precincts of the prison, the logical conclusion would be that it was counsel who paid the fine as can be gathered from the statements of those prison officers who were on duty on that date.

The Commission was informed that the receipt was drawn in the name of Mr. Sanjeev Nunkoo and the NIC number of the latter used. The payment was effected when the cashier office was closed and authorisation from a superior officer was required before payment was accepted. The issue will be who provided the sum of Rs306,000 odd for the payment towards the fine.

The Code of Ethics provides that "*a barrister shall never ask or accept to receive payment of any sum of money for* or on behalf of his client". The question will be, where did he obtain the money to pay the fine for prisoner Kamasho. If he obtained it personally or if he got it from Mr. Sanjeev Nunkoo, either way, he would have breached the Code.

The testimony received from the two protagonists coupled with the statements of the prison officers on duty that day revealed that, if Mr. Sanjeev Nunkoo's version is correct backed by the testimony of the prison officers, Mr. Kandhai would be in serious trouble for numerous offences like personation, assuming false identity and as to the source of fund, there would be an issue as well. The genuineness of the email of the 2nd February is also an issue.

On the 14th December 2010, his wife purchased an apartment at Vavid House, Vacoas, Lot No. 20 for Rs1.7m and payment was before notary on date of sale. The registration duty amounted to Rs85,000. On the 23rd July 2013, he purchased jointly with his sister a portion of land at Flic en Flac for Rs3.6m, Rs360,000 was paid before the date of signing before the notary on the 23rd July 2013 and on that date Rs3,240,000 was paid. The registration duty was Rs180,500 and there was also the notary's fee. From the document submitted by Mr. Raouf Gulbul, he and his wife sold to Mr. and Mrs. Anupam Kandhai an office found at Sterling House in September 2013 for Rs1.9m.

The Commission has perused his bank account and finds that the amount credited would not justify that he has money to purchase those properties unless he has not faithfully declared all his income. He does not deal with many criminal cases.

On the 27th August 2015, he purchased a Mercedes and his wife purchased a Hyundai Saloon car on the 14th March 2016.

The Commission recommends that an enquiry be carried out as to the role of Mr. Kandhai in this matter and also in respect of the amount he had received, whether it was drug money. Moreover, to enquire into how he financed the purchase of those properties when his income did not justify same.

6. MS. ANTISHA SHAMLOLL

Counsel's mobile number was found to have communicated with prisoners on their mobile phones in prison. However, she readily admitted that she had indeed made those communications namely to Mr. Veeren Peroomal. She was very apologetic and she explained that she was acting under the instructions and guidance of her senior, Mr. Gulbul, most of the time. She fully cooperated with the Commission and provided the Commission with

invaluable information about the way of operating of her senior including the practice and use of black phones.

Ms. Shamloll's deposition enabled the Commission to have an insight of the practice of certain seniors like Mr. Gulbul in sending juniors to meet prisoners while they would only rarely visit prisoners in jail. It was also brought to light that when small dealers were caught it would be juniors who would be sent to the police station to assist them in their statements. Often these dealers were found to give diverging statements or depart from these statements in court. After scrutiny it would appear that they had been instructed by their lawyers not to implicate the drug baron in exchange of money or simply by using threats or any other leverage against them, The case of Bottesoie and Velvindron and of Mrs. Jeeva illustrate the above. She admitted having credited the account of a prisoner of Indian Origin, Mr. Faizal Hussein, and this from instruction of her senior, Mr. Gulbul. When she learnt from the media that Mr. Gulbul denied that she was his junior, she produced a series of email and confidential suggestive messages sent by her senior counsel to refute the contention of Mr. Gulbul. She also showed calls made by Mr. Gulbul in the early morning of the 1st day of the year again to refute the averment of Mr. Gulbul.

The Investigating Team reported that Ms Shamloll had communicated with Gerald Prosper, a drug offender serving a sentence of five years. She had also been in contact with detainees Messrs. Peroumal Veeren, Faizal Hussein, Raj Kuma Ittoo, Romy Gooranah and Abdool Rahim Joosub while they were serving sentence for drug trafficking. Ms Shamloll had travelled overseas some 22 times. Her bank accounts show several significant cash transactions and she acquired a car to the tune of Rs 2,036,000.

In the light of the genuine regret expressed by Ms Shamloll for having done things under the instructions of her senior, to whom she looked upon with awe, being the spouse of a sitting Judge of the Supreme Court and her cooperation in enlightening the Commission regarding the *modus operandi* of her senior, the Commission will not recommend any further inquiry into her acts and doings.

7. MR. COOMARAVELL PYANEANDEE

Counsel Pyaneandee visited Rajen Velvindron while latter was in prison when he was not his counsel. His explanations were to the effect that Mr. Velvondron's brother from Paris requested him to visit his brother in prison in relation to certain issues pertaining to his welfare. Mr. Velvindron was however already represented by Sir Hamid Moollan Q.C.

The Commission found it quite unusual that Counsel also paid an unsolicited visit to Mr. Bottesoie in prison. Latter under oath said that he never solicited Mr. Pyneandee to assist him and he did not know who had sent him either. Counsel explained that he had paid a visit to one of his clients Mr. Betty and that this prisoner had told Mr. Pyneandee that Mr. Bottesoie was being segregated and if he could help Mr. Bottesoie out as he was in serious trouble. The allegation made by Mr. Bottesoie against counsel is very serious, asking him not to implicate Mr. Velvindron in return for financial reward. Mr. Hurnam deposed and was very critical of the acts and doings of counsel in the present matter with documents in support. Mr. Bottesoie is the same prisoner who had made complaints against Mr. Gulbul who tried to convince him in return of cash not to implicate Mr. Velvindron. The role of counsel Pyneandee is very suspect indeed.

As per the prison visitors' book for legal practitioner, Counsel on one occasion visited five prisoners including Mr. Altaf Jeeva but he however told the Commission that had no

knowledge of this and that he did not know Mr. Jeeva. There was no reason for counsel to meet Mr. Jeeva who had never retained his services. Was he acting as a spy for other more important drug dealers and the danger of such visits already pointed out by the Commission?

The Commission recommends that an in depth enquiry be instituted to look into the role of counsel which seemed to have tried to pervert the course of justice and trying to shield traffickers.

8. MR. BABY ERICKSON DESIRÉ MOONEAPILLAY

As per records, immediately the next day after his being called to the bar, he went with another budding barrister to visit prisoners, convicted drug traffickers who had no case in court and he stated that it was at the request of his senior Mr. Teeluckdharry. He was contacted on several occasions by Mr. Veeren Peroumal and he admits having communicated on his mobile phones with prisoners. Counsel visited drugs traffickers Mr. Veeren Peroumal and Mr. Vomaren Arekin several times without being solicited. Inquiry revealed that he had also been in communication with prisoners through mobile phones. Mr. Nunkoo, during his deposition made several allegations against counsel Mooneapillay and pointed him as being a lawyer who facilitates unlawful communication by means of SMS, phone, through officers. Counsel admitted that he had never made a VAT or Tax returns. He visited Mrs. Ameena Noordally and allegedly did not know that she is the mother in law of Mr. Veeren Peroumal, his client, which is certainly improbable. He had apparently been doing *pro bono* work for the drug trafficker, Mr. Veeren Peroumal, and in return the latter would be sending clients to him.

Mr. Arekin is known by the ADSU to be in the drug ring of Mr. Veeren Peroumal. He is a scavenger and obviously does not have the means to retain lawyers. H did retain Mr. Gulbul as his counsel. Later, it was Mr. Mooneapillay who was retained together with a Q.C from England to defend him. According to Mr. Mooneapillay, it was a member of the family who foot the counsel's fees. The Commission does not believe him as the Commission has the bank statements of all the family members of Mr. Arekin and none of them with their respective incomes would have been able to afford to pay the fees mentioned by counsel Mooneapillay. The Commission believes that counsel has been economical with the truth.

The Commission recommends that an in depth enquiry be effected into the affairs of Mr. Mooneeapillay as the Commission suspects that the fees were paid by the notorious trafficker as Mr. Arekin is well known to ADSU as belonging to the gang of Mr. Veeren Peroumal. Moreover, to enquire if counsel's fees were not paid with drug money.

9. MR. HAMID JAGGOO

Mr. Jaggoo was called before the Commission as many communications were traced between his mobile phone and mobile phone numbers in prison. As per the records, it was noted that on no less than five occasions he was in communication with one prisoner for whom he appeared at the Intermediate Court i.e. Mr. Rajkumar Ithoo serving sentence for drug trafficking, and some calls lasted for some 5 minutes. Mr. Jaggoo told the Commission that his services had been retained by the relatives of Mr. Ithoo but bail was not granted. When the case came for trial however he seemed surprised to see Mr. Gulbul representing this client. He said that as a matter of courtesy, he informed Mr. Gulbul that the relatives of Mr. Ithoo had equally retained his services thinking probably that the relatives had also retained

the services of Mr Gulbul. Counsel denied and maintained that this was "just not possible" as he had seen the prisoner in prison and would not be talking to him again.

Mr. Jaggoo explained that many of the names of prisoners mentioned by the Commission were his clients and he was adamant that he was not contacted by Mr. Itoo and anyway, it was not an offence to communicate with prisoners.

The Commission certainly does not agree with his interpretation of the law. The Commission noted that in many cases Mr, Jaggoo after assisting the suspects in his statement, in some he disappeared completely from the case. What is his role for it must not be forgotten that he had to face disciplinary action for trying to pervert the course of justice but the case had not been proved against him because the evidence of the attorney at law who implicated him could not be relied upon.

The Commission recommends that an inquiry be carried out into the unlawful communications counsel had with prisoners through unauthorised means and to investigate his role in all the cases where he appeared only at the time of the enquiry leaving it to the relevant authorities to take any action they may deem fit.

10. MR. SATYAWAN KAILASH TRILOCHUN

Counsel was summoned before the Commission on account of the number and frequency of his visits to prison, which appears to have beaten the record of unsolicited visits to detainees. He topped the hit parade of unsolicited visits in the number of visitors seen in one day. He explained that he meant no harm and had no hidden agenda for acting likewise. The Commission wonders if this is indeed the case or whether he was running after the goose with the golden eggs.

For the period 13th February 2009 to 2011, Mr. Trilochun effected 13 visits to prison and met in total with some 190 detainees most of whom were related to drug offences. On one single occasion, he met with 41 detainees. As per evidence received from the Prison Authorities, it would appear that these visits were apparently not requested by prisoners. There was a public outcry regarding his unsolicited visits and there had been much speculation as to the reasons for those visits and he was further targeted in the media because he was related to a Minister.

The Commission called him to allow him to give an explanation of those visits. The Commission also drew attention of counsel to the fact that in many cases the prisoners were already represented by other counsel. In 2014 counsel stopped attending prisons. The Commission was apprised of the fact that Mr. Trilochun never represented Mr. Veeren Peroumal yet he visited the latter and once visited Mr. Siddick Islam in prison. Mr. Trilochun explained that none of the above were unsolicited visits, that in some of these cases, he worked with Mrs. Roubina Jadoo. He also confirmed that he had never appeared for Mr. Veeren Peroumal. The Commission has noted that most of the convicted prisoners who were visited by Mrs. Roubina Jadoo were not her clients. Was Mr. Trilochun misled by his senior to attend to those prisoners, the Commission had no information.

The Commission has to commend the attitude of counsel. His poise when questioned by the Commission shows the respect he has for the Commission and this ought to have been the stand of his seniors. Before the Commission, the person called is not an accused party. All that was sought from the person by the Commission was an explanation in respect of some disquieting information gathered by or which came to the Commission through denunciation.

The Commission did not hear of any obnoxious behaviour of counsel from the prison administration. It may well be that counsel benefitted from the laxity of the system.

The Commission does not recommend any further action against him.

11. MR. MUHAMMAD SHAMEER HUSSENBOCCUS

Between the 19th to 23rd March 2016, he was found to have used a sim card to communicate with a prisoner in Beau Bassin Prison and that sim card had been applied on several cell phones used by drug offenders Gerald Prosper and Raj Kumar Ittoo in the prison. He also communicated on several occasions with a sim card number in Petit Verger prison and registered under the name of Dominique Patrick Herode Kan Chai, a drug offender who in turn was in contact by phone with Leena Gentil.

Mr. Hussenboccus was also in communication with Louis Wensley Jasmin who also had been in contact with Leena Gentil. Counsel acquired a portion of land for the sum of Rs5,700,000 paid *hors de la vue du notaire*. Around the same time, he took a loan of Rs 4,800,000 from his bank and a relative gave his Rs 1m. His bank account showed several significant cash deposits that exceed largely the revenue he declared in his VAT returns.

In 2016 he visited female prisoner R. F. Rafanomezantsoa, a Malagasy National who was sentenced for drug trafficking in 2014, without being solicited. The prisoner complained that she had received threats so as not to depose against another drug trafficker.

The Commission recommends that an in-depth inquiry be carried out to see if he was not a junior used by a senior to perpetuate the practice of '*devire l'enquete*' and he would be amenable to have infringed the Reforms Institution Act for communicating with prisoners through unauthorised channel.

12. MR. VEDAKUR SHARMA RAMPOORTAB

Counsel was found to have communicated on his mobile phone to a sim card secured in prison from detainee Mr. Curly Chowrimootoo. One conversation lasted for some 13 minutes and with messages exchanged after 20.00 hrs. Between 4th March and 5th May 2016, counsel communicated 28 times with a sim card which was secured on another prisoner Joel Flora who although never convicted under the Dangerous Drugs Act, is known to be related to Mr. Chowrimootoo. Mr. Rampoortab on several occasions visited Mr. Chowrimootoo, who was sentenced to 22 years penal servitude for drug trafficking and his appeal dismissed. Latter still has however a case of money laundering pending before the Intermediate Court. Counsel explained that the calls were from family members of prisoner Chowrimootoo but that could not be so as the calls had been traced from the prison.

A perusal of the visitors' book for barristers reveals that he has not been doing much criminal work but nevertheless there were numerous unsolicited visits and apparently some at the request of his senior. One unsolicited visit was to prisoner Prady Chinien, who married the sister of Sada Curpen. He also visited one Francis Townsend, the maternal uncle of Mr. Curly Chowrimootoo on three occasions when he was not his counsel and that Townsend recently hit the headline regarding a huge importation of heroin. He also appeared for the notorious drug trafficker Siddick Islam who claimed to have paid counsel with drug money.

A quick scrutiny of his numerous accounts would reveal that there had been many transfers from one account to others and back with professional fees mingled with investment. He has

set up numerous companies or societies and he has been selling properties, putting a huge sum in BAI Super Cash Gold and after the liquidation of BAI, he succeeded in getting reimbursed before many.

In view of the numerous communications with prisoners which counsel conceded and having regard to the number of unsolicited visits with drug traffickers, the Commission recommends an in-depth inquiry into the acts and doings of counsel and for the relevant authorities to take any action they may deem fit.

13. MR. NOOR-E-SHAD SAHYTFIUDHIN HUSSENEE

According to the Prisons Visitor's Book for Barristers, Counsel on several occasions paid unsolicited visits to detainee Siddick Islam, a notorious drug trafficker. On one single day in January 2010, Mr. Hussenee together with two other counsel Roshi Badhain and Yash Badhain together with Attorney-at-Law Preetam Chuttoo visited 11 prisoners, most of whom were convicted for drug offences. He saw namely Mr. Siddick Islam, the Sumodhee brothers, Mr. Kabinda, Mr. Emilien. Counsels' explanation was that the 11 detainees had sent a letter to Mr. Roshi Badhain requesting them to visit and provide legal advice in relation to the judgment of Philibert on mandatory sentencing.

Communications between Mr. Hussenee's mobile phone and this notorious drug trafficker, who was in prisons, had further been traced by the Commissions' Investigation Team. Mr. Hussenee was very shocked when he was confronted with the facts and intimated that only the brother and the wife of Mr. Islam had been communicating with him. There were 29 such exchanges between the 4th May 2016 and the 7th November 2016. One such communication lasted some 11 minutes yet counsel maintained before the Commission that had he known it was Mr. Islam from the prisons, he would not have answered the call. Counsel was also in communication with a prisoner who was using a mobile phone secured in prison, Mr. Jean Jimmy Alexis, also convicted for drug offences. The Commission is of the opinion that the version given by counsel that he was not aware of his correspondent is most improbable. The evidence reveals that he was in communication with prisoners through unauthorised means.

Counsel was also actively involved in the electoral campaign of Mr. Gulbul and was reported to have been his finance manager. This bears its importance given that Mr. Hussenee was present the night that Mr. Gulbul alleged obtained the bag-full of cash. However, counsel denied that he had assumed this function. The Commission has a feeling that he did not want to compromise Mr. Gulbul regarding the political campaign of the latter. He has been economical with the truth and it is wondered whether it was to favour Mr. Gulbul who was his counsel when he was arrested in the case of corruption of judge's secretary.

The Commission after enquiry, found that several sums of money in cash were deposited in his account and which he explained were his fees.

Mr Noor Hussenee also received regular payments from the betting company SMS Pariaz and which were termed as 'salary'. Mr. Hussenee explained that they were in fact a retainer fee for providing legal advice. He also perceived "fees" from SICOM Financial Services following his appointment to the Board of Directors. It is noted that no tax returns had been filed in this respect.

The Commission therefore recommends in light of the above facts that an enquiry be conducted to elicit the matters raised above more specially communication with prisoners through mobile phones as his explanation is preposterous.

In respect of Mr. Vishwarnath Ashvin Ramdhian, the junior of Mr. Rex Stephen, Ms Peggy Sevambal Moothoosamy born Mooteealloo, Mrs. Deveena Deonarain, Mr. Neelkanth Dulloo and Mr. Jaysingh Chummun, the Commission deems it fit not to recommend any further action against them in the light of their attitude and explanation and for some, because of their inexperience.

14 RECOMMENDATIONS

(a) That it be provided for under the Dangerous Drugs Act that all barristers representing in any manner whatsoever and before any court or instance, any person charged or provisionally charged or in relation to any drug related offence, must submit to the National Drug Investigation Commission a list of all of such of their clients twice yearly or at such other interval as the NDIC may so require for the purposes of fulfilling its duties under the Act.

(b) That all statements given by any person involved in drug related cases and in the presence of their counsel should be video recorded without any interruption. Counsel will be allowed time to speak to his client and seek relevant instructions prior to recording any statement but once the statement is being recorded, counsel should not be allowed to ask for breaks or interruptions, unless for health reasons etc or be left with his client without an officer of the NDIC or Police being present, This will prevent counsel from unduly interfering with the course of the enquiry or influence his client to depose or alter his deposition in the course of giving the statement. And will also do away with a multiplicity of *voir dire* based on alleged coerced depositions etc. It has often been said that when a suspect is arrested in relation to a drug related offence, ADSU officers would have in handy a list of names of certain barristers who would almost invariably be called to provide legal assistance. This should be closely monitored and severe sanctions meted out to those officers.

(c) Any barrister should make a request in writing, to the *Juge d'Application des peines* [JAP] at least three clear days prior to visiting his client unless on good cause shown the delay may be reduced by the JAP.

- The name of the client, the purpose of the visit and the details of the case in which he is appearing (whether on remand, for bail applications, trial, appeal, remission etc).
- A special register shall be kept for drug related offenders and copies of entries made in such a register shall be made available upon request to the NDIC at any point in time and to the MRA.
- No unsolicited visit by barristers would be allowed.
- Not more than one detainee to be visited by a barrister at a time to prevent detainees involved in drug offences or to communicate with each other.

(d) The relevant money laundering institutions should pay more attention to the assets and income of barristers representing drug barons. That money laundering laws be amended to provide (i) that lawyers must file suspicious

transactions reports in some circumstances and perform basic due diligence, (ii) for stricter control over the legal profession (Barristers, Attorneys, Notaries) by ensuring they are fully covered by anti-money laundering laws. This could be part of the solution to help curb the movement of dirty money and eradicate crimes supported by drug money. Certain categories of people including lawyers who have easy access to their clients (in or out of prison) often could be easily tempted into structuring illicit deals.

(e) The acquisition of property by Barristers appearing *regularly* for drug offenders and traffickers and by their immediate family, needs to be closely scrutinised by the responsible authorities – the NDIC should place a tag on some of those barristers who are suspected of travelling outside of their code of ethics or in violation of the oath they took upon being sworn as barristers. Those barristers who have nothing to hide will not feel threatened by any such measures of control.

(f) All banks, insurance company, money changers and the Registrar of Mortgages should make return to the MRA of any dealings effected by counsel appearing in drug cases.

(g) Counsel in the same Chambers should be prohibited to appear for different accused in the same case.

(h) That the Supreme Court and the Mauritius Bar Association / Council set and impose an indicative grid for the fees which barristers are allowed to ask from their clients. This will ensure transparency and prevent abuse and limit any money laundering schemes involving barristers. This is not a novel measure as it is done without any resistance in other jurisdictions. Furthermore, this already applies to several professions in Mauritius including the other noble medical profession. Barrister should not further be immune to scrutiny and or queries in relation to the fees that they perceive and should be able at any point in time to account for these.

(i) That the Bar Council should review its priorities and should focus on matters that are most important including being more active in chasing and tracking down those black sheep and ensuring that the standard of the profession is maintained at all costs. In spite of the numerous testimonies and allegations made, accusations levelled against several of its members, the Commission has noted that the Bar Association has taken a back seat and did not even consider sending a memorandum to the Commission regarding actions to be taken to put an end to the practice of unsolicited visits in prisons and the allegations of '*devire l'enquete*'.

(j) The Institute for Judicial and Legal Studies should devise its ethics courses and handpick barristers or lawyers who are above all reproach or allegations to conduct these courses and make use of real cases scenario. Conduct courses on procedures and legal provisions by which criminal drug lawyers need to abide by e.g. when visiting prisons, what is allowed, the provisions of the Reform Institutions Act etc.

15. POLICE OFFICERS

The Commission called a few police officers in view of evidence gathered by the Commission's Investigation Team. The Commission will highlight the case of Mr. Rujub. This does not mean that the relevant authorities should refrain from making an in-depth investigation in the cases of those officers called as the explanation given by some was not compelling, some justified the cash deposits from proceeds of gambling.

(a) INSPECTOR MUHAMMAD ASSAD RUJUB

Some troubling facts came to light in relation to Mr Rujub, Inspector of Police, [member of the ADSU] following enquiry by the Commissions' Enquiring Team. The enquiry was triggered by the allegations made by social worker, Mr. Ally Lazer against the Mr. Rujub who was the Inspector in charge of the arrest of Rudolph Jean Jacques, alias "Gros Derek". Allegations were to the effect that Mr. Rujub and his team of ADSU officers had stolen money and drugs from the locus where "Gros Derek" was caught. He explained that he never acted dishonestly and that he never saw any one of his team members take any money or drug.

If these averred facts were proved, serious crimes would have been committed and will entail very serious consequences for Mr. Rujub, notwithstanding the fact that the drug fighting institution will have to bear yet another blemish to its name.

The enquiry further revealed that several significant cash deposits had been effected in the bank accounts of Mr. and Mrs. Rujub, including a single deposit amounting to Rs 1,560,375. The Commission noted a deposit of Rs 50,000 in cash in December 2014, Rs 50,000 in March 2015, on the 8th May a sum of Rs 100,000.

Mr. Rujub pursued law studies in the UK and the Commission queried him as to the source of the money to fund his studies the more so that his salary would not suffice to meet the high fees and associated costs of living in the UK. Mr. Rujub's explanations were that his sister and himself had received a gift in 2010 from his neighbours after they passed away, an amount of some Rs 1.4m. His sister agreed to his using the money to fund his studies. He sat for his exams but was sanctioned and precluded, by the Inns Conduct Committee, from completing his course and sitting for the examination again, because he was caught along with two other persons, for plagiarism, copying the work of the others.

Mr. Rujub and his family attended the wedding diner of, the husband to be of the daughter of Mr. Khalil Ramoly, a person in the radar of the ADSU who was heard by the Commission and the Commission has recommended an in-depth inquiry on a group of persons including P.S Golamgouse, suspended from duties, Mr. Baccar, the wife of Mr. Siddick Islam, all suspected to belong to the drug ring of Mr. Siddick Islam.

The groom was allegedly a neighbour of the Rujubs. Information was obtained that Mrs. Nashera Vavra, the wife of Siddick Islam was present, fact which Mr. Rujub confirmed, but he explained that he had not been aware that the groom was connected to the Ramolys or the Islams. As part of the unit fighting drug traffickers, he was assigned duties in Plaine Verte, the bastion of Mr. Siddick Islam with the help of Mr. Ramoly and Golamgosse.

His presence at the wedding cannot be justified and at the very least, he has been totally lacking in vigilance which does not befit his position. His explanation was that he did not

know his neighbour was marrying the daughter of Mr. Ramoly. It was apparently his mother who told him of the wedding and he went to the wedding on the groom's side.

The Commission finds his explanation preposterous and laughable, the more so that it is unthinkable that a police officer of his calibre who had passed the bar exams would not have inquired with whom the neighbour was getting married. That would have been a normal natural reaction. It is his attendance at the wedding which was splashed in the media which had triggered his transfer.

The Commission also finds it very suspect that it was the ADSU team of Plaine Verte under the charge of Mr. Rujub which arrested the notorious trafficker Rudolf Jean Jacques alias Gros Derek who was plying his drug business not within the 'jurisdiction' of Plaine Verte when his team was never capable of arresting the acolytes in the gang of Mr. Siddick Islam to whom Mr. Ramoly was suspected to belong.

Mr. Rujub also mentioned facts, which the Commission finds troubling, about a "*competition malsaine*" prevailing within the ranks of ADSU, arousing jealousy and dangerous as the Commission heard of tip-off to traffickers which might endanger other colleagues..

The Commission therefore recommends that a further in-depth enquiry be conducted into the above facts, the more so that it was following the arrest of Gros Derek that huge cash deposits were found in his bank account, which were very suspect when there was allegation that his team had stolen money. Moreover, a suspect in that case testified before the Commission that he witnessed ADSU officers of Plaine Verte siphoning drug seized and replacing it with Glucose.

(b) P.C SHABEER AHMAD GOLAMGOUSE

Officer Golamgouse had been in communication with prisoners on a mobile which was not registered in his name. He also visited prisoner Sooknundun, a police officer, arrested for drug trafficking and who passed away in prison for having committed suicide apparently. He also communicated with prisoner Sada Curpen and Mohamad Ally Madhoo, both convicted for drug offences. He is under suspension and under investigation for money laundering. His income did no justify the acquisition of properties and construction of the building which according to the Inquiry Team is worth more than Rs8m despite the fact that he claimed he was helped by his concubine and has sold a property which is very suspect. He is allegedly working for Mr. Kalill Ramoly who has been in the radar of ADSU for some time. He tried to justify the amount in his account as being loans from the company of the said Ramoly which the Commission considers to be suspect after having heard the said Ramoly.

The Commission recommends an in-depth enquiry into the officer as he has already been in breach of the Reform Institutions Act and his income did not justify his acquisition of properties. Moreover, the persons in his surrounding are suspected to be in the drug ring of Mr. Siddick Islam.

(c) OTHER POLICE OFFICERS CALLED

The other police officers called to give explanations are (1) P.C Gary Kevin Joumont; (2) P.C Hoomar Arshad Dahal; (3); (4) C.I Balmick Rissi Mohesh; (5) P.C Rehaz Carrim Oojageer; (6) P.S Trendy Thondee and (7) P.C Jean Noel Marcelino Mestry.

Officers Joumont, Mohesh and Mestry had been communication with prisoners through unauthorised means with prisoners in breach of the Reform Institutions Act.

Officer Dahal was denounced by social worker, Ally Lazer, and he was summoned to explain the cash transactions found in his bank account.

Officer Oojageer was also denounced by Mr. Ally Lazer for his frequent short trips to Madagascar. He had travelled to India, South Africa and Reunion Island and there were significant cash deposits in his account.

Officer Trendy was posted at ADSU of Flacq and the Commission summoned him following a written denunciation due to his closeness with drug traffickers. He is a compulsive gambler.

The explanations given by them did not persuade the Commission and it is recommended to have a further enquiry into the cases of the officers above.

16. PRISON OFFICERS

(i) MR. SACHIDDANAND POYE

Mr. Poye is a Lead Prison Officer, having more than 28 years of service in the Prison Administration and was decorated in 2017 for 'good services' by the State. He is therefore aware what are the prohibited articles in prisons. Amongst them are mobile phones, sim cards and dangerous drugs. He knows that any unlawful contact with a prisoner, especially through a mobile phone is a breach of discipline amenable to disciplinary action and also amounts to a criminal offence under the Reform Institutions Act. He knows that there is a team called 24/7 in the prison administration responsible for searches. When he was confronted with communications between his mobile phones and several mobile phones and sim cards secured by the 24/7 from prisoners, about 5 of them, he claimed that it was not possible and later he changed his version to 'I do not remember'. There are about 29 exchanges of communications between him and the prisoners. The Commission has scrutinised his bank account and noted that either in the middle of the month or almost on the third week of the month, there was almost no credit or there might be Rs20 or Rs50. And from time to time, cash deposits the source of which remains unknown.

The Commission has not been convinced by his explanation as the itemised bill received from the telephony service provider clearly show communication between his mobile phone and several sim cards secured from prisoners by the 24/7 team. Moreover, he seems to have the profile of an individual whom the traffickers would be looking for a person who holds a post of a certain level in prison, who financially has some difficulties.

(ii) OTHER OFFICERS

The Commission heard the following officers as well: (1) Mr. Chandun Chatun; (2) Mr. Ramesh Rambaccussing; (3) Mr Neermal Chamroo; (4) Mr. Permanand Ramchurn; (5) Mr.Mohammad Reza Deelontally; (6) Mr. Muhammad Aadil Rechad Jafeerally; (7) Mr. Nandishwarsing Motee; (8) Mr. Azad Allymamode; (9) Mr. Kailash Bundhoo; (10) Mr. Mohammad Firassi Rumjan; (11) Mr. Ashif Mohammad Naga; (12) Mr. Jaykishan Singh Omrawoo; (13) Mr. Kevin Raghaven; (14) Mr. Fabrice Larenne; (15) Mr. Jean Wilfred Lalande; (16) Mr. Jocelyn Pedro Duval and (17) Mr. Justine Paul Olivier Stephane. They have been called for explanation as the Investigating Team found out from the itemised bills

provided by the telephony service provider that many of them had been in communication with prisoners through unauthorised means or they had been topping up sim cards secured from prisoners. These officers know that it is a breach of the Prison Officers' Standing Order and most of all an offence under the Reform Institutions Act.

The Commission probed into their bank accounts and where there had been important cash deposits, explanations were sought from them, some stated that they were loans from family and more often, gains from gambling in casinos or at the race course.

The Commission noted that many had taken huge loans from the banks, the Civil Service Mutual Aid or other provident funds and the loans were serviced from their salary. The consequence is that at the beginning of the month, their accounts indicate insignificant funds and the Commission wonders how they cater for their family. Some have spent a fortune in gambling houses.

The Commission has already pointed out that these officers have the profile of people who the traffickers, through their middleman, will recruit. Obviously, the amount given to them is so tempting, as one of them told us, that it does not need much reflection to fall into the trap.

For those officers, the Commission recommends that an in-depth enquiry be carried out by the relevant authorities and to take any actions they may deem fit.

CHAPTER 20 MISCELLANEOUS

1. THE ELUSIVE FADING STAR WITNESS

Mr. Asvin BHOYROO, a former prison officer, contacted the Commission in writing, stating that he has very damning information to impart to the Commission regarding drug trafficking. He wanted to put an end to his cooperation with drug traffickers and to make a clean breast of everything. The Commission heard him in camera without revealing his identity for his protection. The whole press was eager to know the identity of the mysterious star witness and there was much speculation, each one having his own theory. The Commission did not appreciate that a team of ADSU searched the premises of the mysterious witness a few days after his deposition. The Commission will have more to say about this episode later.

Mr. Bhoyroo stated that he worked for the trafficker, Mr. Curly Chowrimootoo, to alleviate his financial problem and it was another officer who introduced him to Mr. Curly Chowrimootoo. While on duty, he would allow Mr. Curly Chowrimootoo more visit time for which he was rewarded with in monetary terms at the end of the month which was more than his monthly salary. Payment was effected in cash by a third party near his place of residence after appointment taken. When he was asked to carry drugs, he refused and he finished by recruiting people to travel abroad to bring drugs. He would have recruited some 30 persons including members of his family whose names he had revealed to the Commission. Some had been arrested and are serving sentence.

Mr. Bhoyroo had travelled to Madagascar, Seychelles, Dubai, South Africa, India and Abu Dhabi on behalf of the trafficker. He collected money owed by drug dealers and he made payments to named person upon instruction from Mr. Curly Chowrimootoo. For each payment, he would pocket Rs2000 allegedly to pay taxi. Drugs brought in by foreigners would be retrieved by other acolytes of Mr. Curly Chowrimootoo after ascertaining that they were not tailed by the police and he was only responsible to pay their hotel bills.

Foreign mules claimed about Rs600,000 for one trip and they would not come back again. In order not to arouse any suspicion, they would come in couple and always went through the red channel to pay duty for alcoholic drinks in excess of the authorised allowance. The drugs were usually strapped on their back and never in the luggage. The mules were always monitored by other acolytes to notify those waiting outside if everything went smoothly and for this reason control delivery was foiled. Occasionally foreign mules recruited abroad by the trafficker/exporter would come on more than one occasion like was the case of the South African trainee pilot,

Foreign currencies were purchased also in casinos by bribing the officers and he would also purchase from Western Union. He would also pay people to purchase cash card from Banks to finance the purchase of drugs abroad.

He confirmed the different ways by which drugs, mobile phones and sim cards entered the prison precincts and which was more serious, the acts and doings of some senior prison officers in the grades of DCP and PPO and those posted at the 24/7 Unit. He gave a few names and how much they were paid for bringing smartphones which could not be detected being made of carbon. The Commission was already aware of the dirty works of some of the officers and only those whom the Commission's

investigation team found evidence against were called for to give an explanation. He was also not kind towards the RED Band prisoners who acted as go-between for drug traffickers. Prisoners wishing to make use of a cell phone pay with cigarettes or by doing menial works.

He claimed to be the trusted man of drug trafficker Mr. Curly Chowrimootoo executing his orders outside the prison. Although there were different clans headed by Mr. Siddick Islam, Mr. Veeren Peroumal and Mr. Curly Chowrimootoo, in prison there was only one clan and there was never any dispute amongst the leaders. The problem came mainly with their distributors who would want a bigger share of the drug imported.

He produced to the Commission an international sim card which he purchased in Madagascar as well as a pen drive with photos of a Mauritian woman trafficker in Madagascar, allegedly Mrs. Sabapatee, who was controlling all drugs destined for Mauritius. He also produced a viber conversation between that woman and Mr. Curly Chowrimootoo which he had filmed on his mobile. The video also showed an allegedly testing of heroin live via viber witnessed by Mr. Curly Chowrimootoo.

He gave a few names of those who were financing the deal as well as some telephone numbers. He gave three places where money and drugs were buried. He was adamant that a search would be positive and he was prepared to accompany the police. He mentioned the names of certain acolytes of Mr. Chowrimootoo who were already on the radar of ADSU. Many names mentioned were already arrested by ADSU. He also mentioned the name of a former minister who was laundering money for Mr. Chowrimootoo and the latter gave him more than Rs11m for the 2014 General Election.

The witness had given a wealth of information which the Commission's inquiry team started to verify. The Commission enlisted the ADSU with its supporting team to search two places mentioned by the witness. The latter accompanied one team. The search in both places was unfruitful. The alleged viber recording was empty. The WhatsApp showing the group was also not conclusive. The witness fearing for his life wrote to the Commission to allow him to depose in public. His request was acceded to.

On the day of hearing after repeating the names of those in Mr. Curly Chowrimootoo drug ring as well as those of the other notorious drug traffickers, he produced during the session 8kgs of a brownish substances, allegedly to be heroin, which he stated was given to him by Mr. Curly Chowrimootoo to deliver to dealers in the drug ring of Mr. Curly Chowrimootoo. The drug exhibit was remitted to the inquiring team immediately after the session and handed over that evening to the FSL for analysis. The result was that there was not an iota of drug in the exhibits.

The witness was called and confronted with the result which was already in the public domain. He was also informed of the negative result in the other search which he did not attend. His credibility was at stake as whatever pen drive, viber message and recording were checked, they did not contain the alleged damning proof against the persons mentioned.

The Commission believes that no weight can be attached to his testimony and for that reason the Commission did not request its inquiry team to probe further into the

denunciation made by him. Many of the names mentioned were already in the radar of ADSU and many are already behind bars. For others, ADSU did not have sufficient evidence to corner them.

The Commission recommends that an in depth enquiry be carried out on the fading star witness to see whether he has not committed perjury and also to find out who is pulling the strings.

As pointed out earlier, ADSU searched the premises of the Commission's mysterious witness. The leak came from the office of the Commissioner of Police. What was the purport of that demarche of the police has remained a mystery. The Commission has received testimony of the police force having been infiltrated by traffickers. Was it the act of some corrupt police officers in high quarters to silence the witness, the Commission is not in presence of sufficient elements to reach a definite conclusion.

The Commission requested an enquiry and was informed by its inquiring team that it was a call from the office of the Commissioner of Police which triggered the search and that the Central CID was investigating. Up to this day the Commission has not received an official report either from the ADSU or the office of the Commissioner of Police as to why the residence of the witness was searched. Was it a form of intimidation and who was pulling the strings?

The Commission urges the authority to carry out an enquiry by an independent panel as the acts of the police would have endangered the security of the witness and/or intimidating the witness, a practice used by the mafia. This is a very serious matter when the leak came from the office of the Commissioner of Police. This brings water to what witnesses informed the Commission of their total absence of trust in the police for fear that there might be retaliation if they did denounce a drug trafficker.

2. DISGRUNTLED PRISONERS

The Commission received several requests from prisoners to depose before it and before acceding to their requests, the Commission's Inquiring Team called upon them for a written statement as to the gist of the information they wanted to impart to the Commission following which a decision was taken to summon them or not. Many wrongly believed that the Commission was a forum for them to vent out their frustration or to speak of their own case which for certain, their case had not even been heard by the Court.

The Commission called only three of them who made complaints against counsel and the two notorious traffickers mentioned they had matters which the Commission was keen to hear as they are part of its terms of reference i.e financing political parties with drug money, the methodology of drug traffickers in the drug distribution, presence of drug in prisons and sleazy prison officers.

(i) MRS PARWIZA BIBI AMEENA JEEVA

Mrs. Parwlza Jeeva was prosecuted for importation of heroin and distribution of drug. She pleaded guilty and was convicted to 10 years imprisonment. Before her arrest, although married and living in separation, she claimed to be residing in a house rented by Mr. Veeren Peroumal whom she came to know through a friend of her husband. She was communicating with Mr. Veeren

Peroumal through mobile phone and she visited him in prison accompanied by the mother of Mr. Veeren Peroumal. She was lured in believing that Mr. Veeren Peroumal would marry her and she realised too late that she had been used by Mr. Veeren Peroumal for whom she went to South Africa on several occasions carrying money to pay for drugs. She was even searched at the airport by the ADSU on her return and she was allegedly informed by Mr. Veeren Peroumal not to bring the pair of sandals to Mauritius. She complained to him that she was being framed.

She was not kind at all to her former counsel, Mr. Raouf Gulbul who assisted her in her statement. Her complaint was that it was Mr. Gulbul who instigated her not to implicate the notorious drug trafficker, Mr. Veeren Peroumal. When she was arrested by the ADSU, she was *inops concilii,* as can be gleaned from the Occurrence Book she had indeed implicated Mr. Veeren Peroumal. The next day, Mr. Gulbul called at the ADSU office to assist her and he had a private interview with her. She informed the Commission that Mr. Gulbul was sent by Mr. Veeren Peroumal to assist her in the enquiry, and Counsel told her not to confess otherwise she would be behind bars for 45 years.

In her statement given in presence of counsel, she reneged what she had stated to the ADSU at the time of arrest. For her trial, she was provided with counsel in forma pauperis.

The Commission enquired into the matter to know who retained the services of Mr. Gulbul and who paid his fees and the facts if found to be true, wouls reveal protection of traffickers by a counsel cum politician.

According to Mrs. Jeeva, it was Mr. Veeren Peroumal who paid the fees of Mr. Gulbul. The latter rejected that contention. His version was that it was Mr. Noor Hussein Goolam, the uncle of Mrs. Jeeva, who retained his services and paid the fees. He produced two VAT receipts showing payment of Rs20,000 + VAT and Rs 20,000 + VAT respectively. The version of Mr. Noor Hussein Jeeva was different. He stated that it was Mr. Gulbul who contacted him to come to sign certain documents to authorise him to appear for Mrs. Jeeva. He admitted having signed on the VAT receipts but maintained that he never paid a single cent to counsel as he had no means.

Mrs. Jeeva stated that while she was on remand in police cell at Stanley police station, she spoke to Mr. Veeren Peroumal, who was in jail, on a mobile phone provided by a police officer, whose identity she could not recall. Mr. Anwar Housein Jeeva, the father, informed the Commission that when he visited her daughter at Stanley Police station, she informed him that her employer, Mr. Veeren Peroumal, had done the needful to retain a counsel for her. The father had never retained counsel, having no means and he had never met Mr. Gulbul.

The Commission is aware that there was an inquiry in this matter and no further action was advised by the DPP. The Commission notes that the enquiry did not probe whether Mr. Noor Hussein Goolam Jeeva and the other members of the family had the means to pay for the services of counsel. No enquiry was made as to why it was so important and urgent for another

member of the family to be present when the father of Mrs Jeeva could not free himself from work. The enquiry did not even bother to find out how Mr. Gulbul obtained the mobile phone number of Mr. Noor Hussein Goolam.

The nephew of Mr. Gulbul, Mr. Riaz Gulbul, who was at that time his clerk was not questioned and he had imparted to the Commission that Mrs. Jeeva used to call at the office of Mr. Gulbul accompanied by the mother of Mr. Veeren Peroumal. The Commission heard Mr. Veeren Peroumal who denied that he had retained the services of Mr. Gulbul to appear for Mrs. Jeeva or paid counsel to appear for her. He did not accede to the request of Mrs. Jeeva who was asking him to retain counsel for her. But oddly enough he would have paid Counsel Golaumally with drug money to appear for the brother of Mrs. Jeeva who was also implicated in a drug transaction along with his sister in another case.

The Commission notes from the testimony of Mr. Gulbul that he was already the counsel of Mr. Veeren Peroumal at the time when he appeared for Mrs Jeeva after her arrest to assist her with her statement. . Common sense would dictate that Counsel was in a situation of conflict of interest, in breach of the code of conduct for legal practitioners since he knew that Mrs. Jeeva, her client, had already implicated Mr. Veeren Peroumal. The Commission has already devoted this episode of counsel in an earlier chapter.

(ii) SIDDICK ISLAM

Mr. Siddick Islam has been convicted to a long term of imprisonment for drug trafficking. He tried to use the Commission to settle scores with his legal advisers including counsel Raouf Gulbul. He was very bitter with the latter who apparently had taken a fat fee from him after promising that the prosecution had no case against him and that there was the need to retain a Q.C. After his conviction, he was comforted that the needful would be done to reverse his conviction and a few counsel were retained, ruining his family. He had allegedly spent some Rs25m, proceeds of drug transaction, to pay the fees of all the counsel who appeared for him.

He harped on the fact that it was because he had to pay counsel huge fees that he was compelled to become a trafficker. When he became penniless, counsel did not call on him anymore save for a young barrister who was sympathetic to his cause. He could not digest the fact that the court believed the ADSU officers who had fabricated evidence against him.

He reiterated that counsel made him believe that he had a good case and after having been fatly paid, withdrew grounds of appeal to his astonishment. The fees asked was in the region of Rs800,000 to Rs2m and his family had to sell properties to pay counsel. He mentioned the name of those counsel who called upon him when he had never instructed them.

He has cursed Mr. Gulbul and this was echoed by his wife who was called to give an explanation regarding her calls to the prison and calls received on her mobile phone from a prisoner. She was called as there were information that she was apparently involved in a drug ring with a suspended police sergeant, Mr. Goolamgouse, Mr. Khalill Ramoly, owner of a Spare Parts and second

hand vehicles, Mrs Vavra Islam's uncle Mr. Baccar who provided her with the sim cards which was used to communicate with a prisoner.

Mr. Islam was very economical regarding his drug ring. He confessed having been in contact with an African drug dealer. Even when he was on remand, he paid a cleaner of airplane to retrieve the drug and men of another trafficker would distribute the stuff for sale. He vowed having stopped trafficking and he was not aware who were those behind the importation of the 157 kilos of heroin seized. He was not aware if Mr. Azaree, his good friend, was in drug business. He had numerous communications with Mr. Azaree on mobile phone which he affirmed had nothing to do with drug. There were several phone communications with Mr. Baccar. He denied that Mr. K. Ramoly, owner of a Spare Parts Company was involved in drug trafficking. Both Mr. Baccar and Mr. Ramoly visited him in prison. He had no dealings with Mr. Golamgouse, the police officer. He denied that all those persons were in his drug ring. He was also communication with a jockey who was called before the Commission. When the latter explained that it was only conversation concerning family matters. His version is risible and long conversations on several occasions could not be in respect of family matter, when the jockey was not related to him save that he was accompanying Mr. Islam's wife.

He affirmed that ADSU officers were corrupt and some were in the drug business. He mentioned some names as well. Prison officers even those in the security team were also corrupt and it was senior officers who introduced mobile phones. He mentioned several names. According to him thousands of mobiles phones had been seized in prison and he wondered how many had been accounted for. He himself had numerous mobile phones. The officers were paid about Rs10,000 for each phone introduced and payment made after appointment outside the prison precincts. He sold the phones introduced as well as the Sim Cards. To top up the credit, he would receive the digit code by messenger in his phone or during conversation, he would note it on a piece of paper.

He was bragging that he could at any time produce to the Commission prohibited articles like mobile phone, drugs and poisonous substance to prove how porous the security was in jail. To call his bluff, one of us accompanied by a few members of the Investigating Team visited him in prison and he produced a mobile phone and a deadly poisonous substance *lannate.* Which poison was allegedly given to him by a named senior officer to eliminate other drug traffickers.

Mr. Siddick Islam had made serious allegations against officers of ADSU, prison officers as well as a former Attorney General to whom he had paid Rs250,000 to intercede in his favour with the magistrate to have him released on bail.

The Commission has strong suspicion from the various testimonies received that the notorious drug trafficker, Mr. Siddick Islam's ring must still be active in view of the numerous telephone communications he had with numerous individuals amongst who were Mr. Azaree and Mr. Ramoly.

From some of the phone numbers the Commission has been able to identify the parties concerned and those persons were called. But there are still many which had to be probed into. An investigation into all the phone numbers provided to the Commission by the telephony service providers will help to map out all the persons in his gang. The Commission is pretty certain that Mr. Khalill Ramoly, PS Goolamgouse, Mr. Jalill-Ur-Rahman Baccar, Mrs Vavra Islam, the wife of the trafficker, Mr. Shahebzada Noormohamed Azaree who is on remand having been implicated by a police officer posted at the PIO, also on remand, are involved in that drug ring and Mr. Ramoly using as façade his Spare Parts Company to launder money. The Commission recommends that those persons should be under surveillance and investigated.

(iii) MR. VEEREN PEROUMAL - THE GODFATHER

Mr. Veeren Peroumal is the most notorious active drug traffickers behind bars and he wields power and awe both in the prison and outside with corrupt prison officers at his service and his acolytes outside the prison continuing his deadly trade. He considered himself as the Godfather in jail and was ostentatiously wearing a gold chain which the Commission seized. It was valued at about Rs800,000.

He was convicted in 2010 to 27 years imprisonment, his appeal was dismissed by the Court of Appeal and his application to the Judicial Committee refused in 2012. He claimed to be innocent and that he was trapped by the enquiring officers of the ADSU thus his frustration and bitterness against them.

The Commission learnt with much surprise that on the 18th November 2016, the Prerogative of Mercy reduced his sentence. The Commission did not probe into the decision of the then President to reduce the sentence imposed by the trial court which was maintained on appeal. The Commission only says that it might be sending the wrong signal at the time when the then President had appointed the present Commission to enquire into drug trafficking in the country when synthetic drug was causing havoc amongst the youth. The war is against drug traffickers and intervening to reduce the sentence of a notorious drug trafficker has been the talk of the town.

Be that as it may, he still has some 15 years to serve and he is well known to the prison administration as the most active drug trafficker with his followers in jail to execute menial works for him.

He tried to rehash his frustration before the Commission in respect of his conviction and he was told that it was the wrong forum, the more so that his legal advisers had exhausted all possible avenues.

The Commission obtained a copy of his diary book which was like a Pandora box containing numerous local and international phone numbers, bank accounts, names of his local contacts as well as counsel with phone numbers, accounts of sum owed to him in local and foreign currencies with the alias of debtors by the side of the amount.

It was the starting point of the Commission's painstaking investigation tracking the phone numbers to identify the callers and receivers from the

itemised bills obtained from the various telephony service providers which led to the calling of police officers, prison officers, counsel and numerous individuals, some clearly having family ties with him and many were tracked by ICAC following their deposition before the Commission. Unfortunately, the Commission was not able to get more details on the international telephone numbers owing to the lack of cooperation by certain countries.

The Commission urges the relevant authority to scrutinize in detail all the information found in that diary, checking each and every individual, tracking the international numbers he had called and received while in jail. A mapping of his drug ring would enable the permanent dismantling of his gang coupled with the forfeiture of his assets hidden abroad, hopefully with the help of the relevant authorities of those countries.

This convicted drug trafficker had at his services no less than 26 counsel from senior counsel to the most junior since the date of his remand. He claimed to have paid them with money proceeds of drugs. ICAC had started to probe into the assets of some counsel but apparently without much success.

The Commission recommends that an in depth enquiry be carried out by an independent body to scrutinize the accounts of all counsel appearing for him and their assets apparently hidden abroad which the Commission, with its limited personnel, was unable to get credible information and if the Commission had continued to probe into this aspect, it would still be sitting up to this date. Suffice it to say that the Commission found out the modus operandi of some senior counsel, using junior counsel to appear for a small fry who had been arrested to silence him and if the small fry had already implicated a dealer higher in the hierarchy, a further statement would be given reneging the previous statement. If the 'boss' is questioned by ADSU, then the senior would appear personally.

What attract so many counsel to attend promptly and without fail to calls of this notorious drug trafficker for they are known not to work pro bono, is certainly not a mystery. It must be the hefty fees, from information received by the Commission which was at times no less than 7 figures. He himself admitted that it could be Rs100,000 paid by his wife and family to counsel. The Commission had been enlightened by the other notorious drug trafficker, Mr. Siddick Islam, regarding fees claimed by counsel.

Mr. Rex Stephen did receive in cash some Rs1.5m as testified by his clerk from a woman on behalf of Mr. Veeren Peroumal. Investigation must be carried out to find out whether counsel had not (i) accepted drug money knowingly, which is an offence, (ii) at the same time laundered drug money and (iii) accepted cash above the permissible amount.

Especially for this notorious drug trafficker, he bragged that he paid counsel with drug money and it is because of counsel asking high fees that he became a drug trafficker in prison having to find money to pay them. He added that counsel were wary of accepting cash and counsel requested to be paid by cheque. The notorious drug trafficker seemed to have as hobby dragging

journalists to Court for defamation when an article does not flatter or suit him. He would also sue prison officers who made his life difficult for damages.

He terrifies his enemies and the Commission is aware of certain cases of prison officers having been physically aggressed, intimidated and threatened. For some of those cases, the Commission heard that it was a warning to the prison officers who failed to fulfil their share of the deal with the prisoners for which they had already been duly rewarded.

Like Mr. Islam, Mr. Veeren Peroumal was very economical with truth regarding his drug ring. He would be vague, giving 'may be' as answers. He did not want to reveal the identities of those persons behind the code names in his diary book. The Commission did not deem it fit to compel him to give an answer when he claimed not to be aware who were the members of the other drug rings save that they were led by Mr. Siddick Islam, Mr. Jean Jacques Dereck alias Gros Derek, Mr. Curly Chowrimootoo, and others. The Commission could have imposed a heavy fine for each refusal to give an answer but that would lead to nowhere save possibly the increase of his term of imprisonment for non-payment of fine.

He claimed not having the means to finance the importation of drugs which were done by financiers. He was more concerned with the sale and distribution of the drugs once the drug was in the country. He stated that together with other traffickers, Rs25m was given to finance the election of Mr. Pravind Jugnauth in 2014. The money was given to one Dewdanee who remitted it to Mr. Mahen Gowressoo for one political party and he bragged that all his counsel are members of the Governing party but recently some of his counsel are members of the opposition party. He claimed to have financed the elections having been lured by certain persons to believe that if the party would come to power, he would have greater chances to have his case reopened.

Regarding the seizure of 157 kgs of heroin in the port, he did not have the means to purchase such a consignment and he referred to the group [Navind Kistnah, Dewdanee, Thomas Sibi] who had been arrested in respect of that consignment. He opined that it was not the first time that there had been such a consignment and that it was the name of the importer which changed. He claimed that he would know when the consignment had safely reached its destination as he was the distributer and the financiers do not generally know how to run the business.

He carelessly mudslinged the Prime Minister as being a financier of drug traffickers. When asked if he had proof, he evaded the question which clearly showed that he was likely to be fabulating. His statement was without conviction. Even his faithful counsel, Mr. Gulbul, when asked what he made of the allegation of Mr. Veeren Peroumal regarding the Prime Minister, he branded him as a liar.

The Commission has reason to believe that there was a conspiracy to sully the reputation of the Prime Minister who publicly, when occasion arose, voiced

out his staunch unflinching stand against drug traffickers and made war against them his crusade.

The Commission did not deem it fit to call the Prime Minister, even though he did inform the Commission of his desire to depose, as many witnesses had in no uncertain term stated that what Mr. Veeren Peroumal said about the Prime Minister was a cock and bull story.

The Commission was told that it was instigated by Mr. Gulbul but the latter categorically denied same. The Commission recommends that an enquiry be carried out to find out who were the conspirators who incited the notorious drug trafficker to nonchalantly and with a grin make a defamatory statement under oath.

(iv) SADA CURPEN-THE ELUSIVE 'TRAFFICKER'

Mr. Sada Curpen was convicted for unlawful possession of subutex and was sentenced to 15 months imprisonment. He was also prosecuted on a charge of conspiracy in the murder of Mr. Denis Fin and the charge against him was dismissed as it was not established beyond doubt that he was the one who gave instruction to kill Mr. Denis Fin. He is prosecuted before the Intermediate for the offence of money laundering and his counsel has been Mr. Gulbul until recently.

Mr. Sada Curpen's name had been mentioned by many witnesses as being a drug trafficker which he denied. Nevertheless, he is on the radar of ADSU. The Commission called him to allow him to give an explanation as to the numerous cash deposits in his account and that of his company, Erchwon. There had been several movements to and from his account, that of his company and that of his girlfriend, a police woman officer. The Commission could not find where the money to pay for the apartment came from. No tax return was ever made regarding the company. He was shareholder in many companies, most of them did not trade and some even had to be struck out of the registerby the Registrar of Companies.

The Commission suspects that many of the companies incorporated were bogus, a façade to cover up unexplained wealth and an intermingling of accounts. The company, of which he was the sole shareholder, was paying himself a monthly salary which increased every month.

The Commission notes that the rent obtained from the illegal renting of an apartment as guest house could not justify the amount deposited and there were no receipts issued for the rental. He must have unaccounted wealth and he was a heavy gambler, spending on one night more than Rs300,000 in casinos when his salary from Erchwon did not justify it. The Commission noted from his bank statement that in 2013 more than Rs1m was spent gambling in casinos. Similarly an equal amount in 2014, some Rs800,000 in 2015,and in 2016, Rs995,000. Some Rs563,000 was spent in 2016 for horse racing betting. He had been siphoning money from the company.

Even when he was in jail he was betting on horses through the Automatic Systems Ltd. He claimed that he won money from gambling, betting and cash

deposits were money sent by his mother. The source of fund was not backed up by any document.

When Mrs Cindy Legallant was arrested at the airport in possession of a huge amount of subutex, she implicated Mr. Sada Curpen. He was represented by Mr. Gulbul. Mrs Cindy Legallant came back on her version.

When he was serving his sentence, he met Mr. Veeren Peroumal and he tried to convince the Commission that after his release, he was never in communication with Mr. Veeren Peroumal through mobile phone. It is clear that he was untruthful witness as the itemised bill provided by the telephony service provider showed that there had been numerous calls between them but he would explain it off that in prison, a telephone was used by numerous detainees. He was incapable of telling the Commission who was that prisoner he had been speaking to.

He tried to deny that Ms Shamloll was his counsel and that she was the junior of Mr. Gulbul but he had to admit same when he was confronted with his appeal case.

He knew the Indian prisoner, Mr. Faizal Hussein when he was in jail. He denied that he gave money to Ms Shamloll to deposit same in the account of Mr. F. Hussein. He does not deny having communicated with Ms Shamloll on WhatsApp. He denied having financially helped Mr. Gulbul during the 2014 General Election.

The Commission has no hesitation to conclude that Mr. Sada Curpen is not speaking the truth regarding his not having provided finance to Mr. Gulbul for the 2014 General Election. Confronted with the message he sent to Ms Shamloll which gave him the lie, he tried to justify that there were other messages which Ms Shamloll did not produce which would have given a different tenor to that message. Since he was the sender of the messages, the Commission invited him to produce them but he said he would not be able to do so as he had erased the messages.

The Commission recommends that an in depth enquiry must be undertaken to probe into his business which might well be a façade to launder unexplained income.

5. INDIVIDUALS

The Commission's Investigation Team was able to get a list of telephone numbers from the diary of the notorious drug traffickers, Mr. Veeren Peroumal and Mr. Mohammed Ally Madhoo. Moreover, from the numerous mobile phones and sim cards seized from prisoners and with the help of the police IT unit or the Investigation Team using its own sim card reader was able to compile a very long list of names and telephone numbers. From the itemised bills and from information provided by the telephony service providers, the Investigation Team was able to find out who were the registered owners of the different sim cards which had been in communication with prisoners.

Communication with prison through unauthorised channel is an offence under the Reform Institutions Act. The Investigation Team was able to trace out names, and following closer scrutiny, investigated on of them. However the Commission called only some of these individuals.

The Commission does not intend, for the purposes of this report to expatiate on the evidence collected against each and every offender as it will be a very tedious exercise. Suffice it to say that the Commission wanted to draw the attention of the authorities concerned namely, ICTA, the telephony service providers and the prison administration the danger of the presence of mobile/smart phones inside the prison.

For some of the notorious convicted drug dealers namely Mr. Veeren Peroumal, Mr. Siddick Islam and Mr. Curly Chowrimootoo, just to name a few, the itemised bills obtained from the service providers revealed that there were international telephone communications by those prisoners with countries known to be the hub of drug trafficking. There were communications through WhatsApp as well.

The Prison Administration as mentioned earlier has shortlisted 40 convicted drug traffickers who are still very active in prisons and the prison is used as their command centre where instructions are given for the import, supply and distribution of dangerous drugs by their close acolytes, some of whom had lately been arrested by ADSU. Even those on remand like Gros Derek are active through their accomplices around the island.

To be able to dismantle all the drug rings, the authority must retrieve from all the itemised bills all the phones number, the names of the registered owners, who were communicating with whom and from those facts to be able to know who belonged to or associated with which gang. Such exercise will enable the authority to cast the net wider and hopefully to see the organigram of the different gangs.

The Commission will highlight only a few cases to show the modus operandi of traffickers. However, this does not mean that the authorities concerned must not probe further into all the individuals called before the Commission in order to see if no prosecution must be undertaken for breach of the Reform Institutions Act. A few police officers had been called, some having been in contact with prisoners through unlawful means. Certain had unexplained cash deposits. Some were officers of the ADSU. Similarly several prison officers called were in communication with prisoners, others arrested for possession of drugs and some had unexplained cash deposits. Others explained by affirming that they were gains from gambling or a side business. The Commission recommends that they should be scrutinized and if proved to be sleazy and squalid, they should be dismissed.

The case of Mr. Woozeerally Bhye Tayub and of Mr. Sheik Mohammed Jibraan Khudurun is an interesting example of the subterfuge used hiding behind the façade of business through bogus companies.

(i) MR. SHEIK MOHAMMED JIBRAAN KHUDURUN

Mr. Khudurun claims to be a Designer by profession and he has businesses in South Africa and the Mozambique. He is allegedly in partnership with his cousin in a company by the name of Pride Clothing Ltd. When asked to produce a document witnessing the incorporation of the company in Mozambique, he was unable to do so. He has a bank account in Mauritius. Although he states having credited money in his local account, there is no evidence of any money having been credited from his business. He claims not to have any bank account abroad and he does business in cash only. He has been in South Africa, Madagascar and Mozambique for the past years and from 2012 to 2017, he effected 20 trips. Mr. Bhye Tayub Woozeerally, his cousin, accompanied him on at least 13 trips. The Commission has not been able to trace from his bank account any expenses be it for air ticket, hotel bill and living expenses. He claims to have paid everything in cash but he is unable to produce any receipts for his air ticket.

He has been receiving numerous calls from his brother in law, the brother of his cousin's wife, convicted for drug trafficking and who is serving a long term of imprisonment. He states that the relative in jail was pestering him for money which made him change his mobile number.

From his bank account, there is credited an amount of some Rs250,000 by cheque issued by a gambling house in Rose-Hill. The Commission is not satisfied with the explanation of Mr. Khudurun and the amount received by cheque from a gambling house is indicative of money laundering as there is no trace where he has money to gamble.

(ii) MR. BHYE TAYUB WOOZEERALLY

He claims to be a hawker having a shop in Madagascar and in Maputo, Mozambique selling clothes. His partners are apparently one Mr. Irshaad Teemul and his cousin Mr. Khudurun. He apparently imports goods from China and Thailand but from information received from the Customs, he has imported only once from China. When asked to produce the deed of incorporation of his company, he has been unable to do so. He has produced a lease for a shop only. He has no bank account in Madagascar but has one in Maputo but he has been unable to produce any bank statement.

He has been in communication with a drug trafficker who is serving sentence and his name and phone number has been found in the diary of the prisoner. His bank account in Mauritius is only credited with cheques from a gambling house. He has no money in his bank account and yet he frequents the casino. He says he brings cash to gamble but source of the cash has remained a mystery. He usually went to the casino with a group of friends. When he wins, he gets a cheque from the gambling house which is credited in his account.

He travels very often to Madagascar, at times thrice in a month. He also goes to South Africa and the Mozambique for 2 or 3 days. His bank account is dormant most of the time but while he was in South Africa, that

dormant account was credited with a cash deposit of Rs69,000. He was unable to explain where the money came from and who credited his account. He has no bank account abroad and all business is done cash. He has been unable to produce any receipt for the purchase of the air tickets.

In Madagascar he has allegedly rented a house but he has no proof of payment of any rent. In South Africa, he stays in hotel and he has been incapable of producing any receipt. Similarly, in Mozambique, there is no trace of how he has paid his accommodation and living expenses.

The Commission is not satisfied with his explanation. He has not made any return to the MRA being a hawker who had been to China for more than 14 times to import goods allegedly before he decided with his cousin, Mr. Khudurun and a friend to do business in South Africa, Madagascar and Mozambique, He has no money from his business credited in his account bank in Mauritius and the only cheques credited in that account came from the casino and gambling house. He has no bank account in Mozambique and all transaction have been in cash. He has been in communication with his brother-in law who has been convicted for drug trafficking in prison.

In the light of their unsatisfactory explanation, the Commission recommends that an in depth enquiry be carried out on both Mr. Khudurun and Mr. Woozeerally as their alleged foreign company may be just a façade and the three countries which they travelled to a lot are the routes used by traffickers to bring drugs to Mauritius.

(iii) MRS CHANTAL PETIT,

Mrs. Petit is unemployed and she is the mother-in-law of the notorious drug trafficker, Mr. Curly Chowrimootoo, who is now serving a long term of imprisonment and who is still very active. Her daughter is also in jail for drug trafficking. She has been visiting her daughter in prison. She has also been in unlawful communication through mobile phone to prison. Although a sim card was registered in her name as evidenced from the application form received from the telephony service provider, she denied having used it to contact another notorious drug trafficker, Mr. Veeren Peroumal, as well as one Mr. Gerald Prosper, who was convicted for serious bodily harm in connection with drug. She was also in communication with a female prisoner, Ms Leena Gentil. The latter's name had been mentioned having been in communication through mobile phones with numerous persons called before the Commission.

Ms Leena Gentil appears to be the kingpin in the drug ring as many persons who called her or whom she called were all in communication with notorious drug traffickers. Mrs. Leena Gentil's husband is serving sentence for drug offences. When asked to explain the deposits of huge sums of money in her account, she claimed that it was the proceeds of sale of pigs by her husband.

The first time she went to Madagascar was in 2015. She had also travelled to Madagascar for a few days with her daughter who is now in jail. Some three days later, she again went to Madagascar. She explained that it was for business of '*grain sec*' and yet she was ignorant of procedure for import of foodstuffs. When she was cornered, she came up with a lame excuse that she was illiterate. She claimed to have herself paid the fares but there was no evidence of any debit from her account for the fares. From her bank statement, she had been topping up the credit of the phone of a prisoner Ms Leena Gentil.

The Commission has all the reasons to believe that she was involved in drug trafficking in view of her telephone communications with convicted drug traffickers and her daughter was arrested for drug offences as well as her son-in-law, her short visits to Madagascar certainly not for legitimate business accompanied by her daughter now in jail. Further enquiry must be carried out by the relevant authorities and appropriate action taken against her as she has all the profile of an important link for the traffickers.

(iv) MRS MARIE JOSÉE JHUREEA

She is an employee of Couvent Fille de Marie but could not recall the number of her own mobile phone, which she claimed to have lost but which was never reported to the police. She admitted however that she had a phone with EMTEL. Her son, John Paul Jhureea, has been convicted for 20 years for drug trafficking. She seldom visited him in prison. She told the Commission she was unaware who Mr. Veeren Peroumal was and yet the phone secured from prisoner Mr. Veeren Peroumal had been communicating with her mobile. A mobile phone registered in the name of her daughter Rachelle was found in the prison with a police officer jailed in connection with drug offence. She earned about Rs5,000 a month, her husband gave her money for household expenses and she also received rent. In all she might have some Rs29,000 a month. She admitted having purchased a BMW for Rs1.5m –Rs1.6m. The money for the purchase of the car, she explained, came from her winnings in casinos and betting on horses. Since the amount credited in her bank account was small and she was debiting her account to gamble, she could not have won.

The Commission does not believe her explanation. Her income could not allow her to buy a BMW worth Rs1.5m. Her son has been convicted for drug trafficking and she had been in communication with notorious drug trafficker. The relevant authorities must probe further into the case of Mrs. Jhuree.

(v) MRS. RACHELLE JOANNICK JHUREEA.

She is unemployed, could not explain how a sim card registered in her name was found with a prisoner. Her explanation was that it had been lost. She does not visit her brother who is jail and he also does not phone her. She was at pain to explain how two prisoners had been in communication with her on her mobile and how she also replied through SMS.

The Commission is not satisfied with her explanation and suspects the whole Jhureea family to be involved in drug trafficking. Further enquiry must be undertaken into the case of Mrs Jhureea in view of the above.

There are a few names which the Commission wishes further enquiry namely Mrs. Marie Joelle Veronique SERRET, Ms Bibi Razia RAJBUSSEEA, Mr. Rampal TOOFANY, Mr. Jimmy Michel NUCKCHEDDY, Mrs. Indira RAMIAH, Mr. Ramsamy RAMIAH, Mrs. Beebee PEERKHAN, Mrs. Anshila PULLIA, Mrs. Bibi Zahbeen Faranaz TAFAJOUL, Mrs. Anne Marie GUSTAVE, Mrs. Natacha Perly POLYDOR, Mr Andy Scott Mary Adriana VICTOIRE, Mr. Parvin APPADOO, Mr. Nizaar DOWLUT.

CHAPTER 21: EPILOGUE

1. OUR INVESTIGATING TEAM

The Commission enlisted the help of officers from the ADSU and the CCID under the leadership of ASP Hector Tuyau as far back as the 5th April 2016 to enquire into names received by the Commission and during the hearing. It was indeed a painstaking exercise, probing into very confidential matters of the individuals targeted which even resulted in ASP Tuyau receiving death threats. Unfortunately, many of the investigations failed to bring the expected results through lack of credible information and the most obvious major hurdle was the lack of time and personnel. Be that as it may, the information gathered will not be wasted and the relevant authorities may sieve through them to tackle the real culprits who are still at large as ADSU with its huge armada has not been able to lay hands on them. The Commission also thanks the Prison's Intelligence team for its collaboration.

The Commission commends highly the good work effected by its investigating team which has carried out its mandate 'without fear or favour'.

On the 14th March 2018, the Commission decided to close its session and heard ASP Tuyau to enable him to produce his report which is found at annex 4.

ACKNOWLEDGEMENTS

It has been a long exhausting task and we end this mission with a note of satisfaction but also with a pinch of sorrow as we lost on the way Mr. Shah Nawaz NAMDARKHAN, Principal State Counsel, who had been the lead counsel assisting the Commission. Despite suffering from a silent invasive illness, he did not show any sign of defeatism, was very stoic and he stood tall, devoting all his energy to fulfil his duties till his last breath. We sincerely appreciated his devotion and his sense of duty. We shall all miss his good humour and his pleasant personality. Farewell, good friend.

Our sincere gratitude and thanks to Mrs Asha PILLAY NABABSING, State Counsel, who continued in the path of helping us sieve through the information obtained, to extract the relevant material and most importantly, who devoted much time in helping us in finalising the report.

We wish to place on record our appreciation, gratitude and thanks to our Investigating Team, headed by ASP Jean Hector Louis TUYAU and his team CI Manoj DOORBEJASING, Inspector Tony Joseph Ricaldo DOMINIQUE, P.S. Pravind Kumar DAGAH, Corporal Louis Michael TRITON, PWC Mary Wellen MARIER, PC Toolshyam KOWLESSUR and PWC Chitranee LOBIN for showing their professionalism, dedication in the search for information to enable us to fulfil our mission under the relevant terms of reference.

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Our thanks also to

(i) Ms Michaela Nancy Lee Fee ON NEONG SAN for her support for our digital recording,

(ii) Mr. R. SEWNARAIN and Mr. W. TUYAU, ushers, for serving summons at short notice,

(iii) the administrative staff Mr. Vicky Dharamjay KALLOOA, Mrs. Sarita DINRARY, Mr. Vikram RAMBURUTH, Mrs. Vanessa ASSEEREEGADOO, Mr. Dominique GRACIEUX, Mr. Yashvin BHOWANEEDIN under the responsibility of the Secretary to the Commission, Mr. Koosiram CONHYE, Permanent Secretary,

(iv) the research assistants, Mr. Ashvin LUXIMON, counsel and Mr. Krishnakantsingh AUCHOYBUR, counsel,

(v) the Commissioner of Police to provide security at the Court premises.

Finally, we are grateful to the Honourable Chief Justice, Kheshoe Parsad MATADEEN Q.C., GCSK to authorise the Commission to use the Commercial Court and to Honourable Justice Gérard ANGOH for graciously accommodating us.

****

Mr. Paul LAM SHANG LEEN

Former Judge of the Supreme Court

Mr. Samiullah LAUTHAN

Member National Human Rights Commission

Dr Ravind Kumar DOMUN

Director Health Services

COMMISSION OF INQUIRY ON DRUG TRAFFICKING

This 24th JULY 2018