

**PROPOSED AMENDMENTS TO THE  
CONSTITUTION OF THE  
REPUBLIC OF MAURITIUS**

**INTERNATIONAL DAY OF DEMOCRACY  
15 SEPTEMBER, 2022**



**LINION  
PEP  
MORISIEN**

*Avek lepep pou lepep*



*Without a free press, democracy cannot survive.  
Without freedom of expression, there is no freedom.”*

*UN Secretary-General António Guterres*

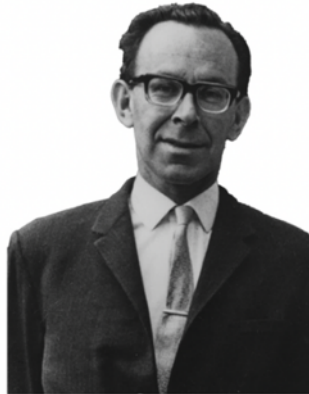
“

### **Protecting Press Freedom for Democracy**

**While the COVID-19 crisis has resulted in major challenges globally, a new upheaval in Europe is reminding the world that our democratic principles are constantly under threat. In fact, now more than ever Democracy is backsliding, civic space is shrinking, distrust, mis- and disinformation are growing while threats to the freedom of journalists and media workers are expanding by the day.**

**This year, Democracy Day 2022 will focus on the importance of media freedom to democracy, peace, and delivering on the Sustainable Development Goals.**

**Free, independent and pluralistic media, able to keep the public informed on matters of public interest, is a key ingredient to democracy. It enables the public to make informed decisions and hold governments to account. When media freedoms are under threat - the flow of information can be stifled, skewed or cut off entirely. Increasingly, journalists around the world face limits to their ability to operate freely – with a grave impact on human rights, democracy and development.**



**Constitutionalism** is where the **Government** is genuinely **accountable** to an entity or organ distinct from itself, where elections are **freely** held on a wide franchise at **frequent intervals**, where political groups are free to organize in opposition to the government in office, and where there are **effective** legal **guarantees** of fundamental **civil liberties** enforced by an **independent judiciary**.

**Pr. S. A. de Smith**

The architect of the Constitution of Mauritius

**The Republic of Mauritius is, according to V-DEM Institute (Sweden), now an Autocracy. For Moody's we are a step to become a Junk State.**

**Parliament no more works as it should be in a Representative Democracy, no more checks and balances, as it should be in a Westminster model. MPs do not get appropriate replies, a shouting Speaker whose role is now a bouncer for the Prime Minister, walk-outs and suspensions from sittings are now the normal practice, accountability simply does not exist.**

**There are no more independent institutions as all nominations are mere puppets manipulated by 'Lakwizin'. Be it ICAC, the Police Force, the State Bank, the Bank of Mauritius, Air Mauritius, the Port and Airport, the CEB and CWA, all sectors are in the Red Zone of Democracy.**

**Some law enforcement divisions deliver their duties as vagabonds.**

**Prime Minister Pravind Kumar Jugnauth himself said that the Mafia has infiltrated all spheres of our institutions, under his leadership.**

**The Republic of Mauritius is now a Rogue state.**

## Contents

1. INTRODUCTION – PRINCIPLES AND CORE VALUES .....	4
a) The Theory of change.....	5
b) Our Core Values.....	6
c) Lead by Doing .....	7
2. THE STATE OF OUR DEMOCRACY IN 2022 – FRAUD AND CORRUPTION .....	8
3. NEW CONSTITUTIONAL TRANSITION.....	10
a) Proposed Route.....	10
4. INCLUSION OF THE NATIONAL ANTHEM AND FLAG IN OUR CONSTITUTION.....	13
5. NEW FUNDAMENTAL RIGHTS .....	14
6. NEW FUNDAMENTAL RIGHTS TO BE ADDED UNDER CHAPTER 2 OF THE CONSTITUTION.....	15
a) Ecocide .....	15
b) Human Dignity .....	15
c) Artificial Intelligence .....	15
d) Digital Self-determination.....	16
e) Right to Truth .....	16
f) Right to have political parties/ movements .....	16
7. HEALTHY ENVIRONMENT A HUMAN RIGHT .....	18
8. DIGITAL RIGHTS.....	20
a) Insult Laws .....	23
b) Academic freedom .....	23
c) Landmark international cases.....	25
d) Freedom of expression includes freedom of silence .....	26
e) Sedition .....	26
9. ELECTORAL REFORMS .....	29
10. BOUNDARY DELIMITATION OF THE CONSTITUENCIES .....	31
11. ELECTORAL PETITION .....	33
12. NATIONAL ASSEMBLY.....	34
13. RIGHT TO RECALL.....	36
14. REFORMS OF THE JUDICIARY.....	37
a) Intermediate Court .....	38
b) Bail .....	38
c) Judicial and Legal Service commission.....	38
d) Constitutional court .....	39
15. PUBLIC INTEREST LITIGATION .....	41
a) Mens Rea.....	42
16. PROPOSED AMENDMENTS TO PUBLIC GATHERINGS ACT 1991 .....	43
a) Notice of Public Gatherings .....	44
b) Criminal Code .....	45
17. THE POLICE FORCE .....	46
18. NATIONAL SECURITY SERVICE .....	47
19. WAR ON DRUGS .....	48
a) Implementation Status of the Lam Shang Leen Report on Drugs .....	48



# 1. INTRODUCTION – PRINCIPLES AND CORE VALUES

## **Innovative Politics – Beyond a traditional Party**

This document serves as a map for campaigning more holistically, not a prescriptive or linear path to follow. It is a recognition for the need of the big picture or systems thinking for looking at the root causes of issues to find sustainable solutions than quick fixes, bearing in mind our complex external world and actual trends.

Our Strategies, be it internal or external should respond to both situations. Today we face profound challenges: Fading economy, growing inequality, drug invasion, climate change, environmental degradation, plastic pollution, an urgent need for a clean energy transition; youth unemployment; badly regulated institutions. The challenges of social integrations; curtailment of judicial independence and freedom of the press in some cases; a rapidly ageing population, an education system that is un-adapted to the needs of the country and the revolutionary impact of technology.

### **Change is necessary**

**Time is for a real change and break away from an obsolete system**

**Allow a new mind-set to take over.**

“Conventional thinking has given way to systemic thinking” as the challenge is gigantic, and there is a need to address the deeper structural causes of three- fold economic, social and environmental crisis, Policy makers have to innovate, beat a traditional and outdated public system, overcome silos and start treating issues more holistically. There is no other path to success.

Our vision is a “Green New Deal” build around people, their prosperity and the Planet.

## **Our Philosophy - Endorsing a “Green New Deal” Mauritius**

A Green New Deal for the Republic of Mauritius aspires to stop and eventually reverse the effects of climate change while creating a more just society – putting hundreds of people to work in environmental restoration, mitigation, adaptation, and roll-out and construction of public goods aimed at reducing overall emissions.

A Green New Deal answers both the substantive question of “what’s our plan” and the political question of “how can we get this through” by involving all Mauritians in defining their priorities in achieving a climate-safe and much more equal society.

For this reason, it is time to:

Fight for the reforms and not let our goodwill and reputation be destroyed. No single country can respond to climate change. Fight corruption and ensure that economic measures are delivered for everyone by reviewing our current fragmented approach. We need to move from silos to a more horizontal integration mode.

Campaign for a more transparent, democratic and accountable Mauritius, bring decision-making as close to the citizen as possible and monitor violations of fundamental rights, civil and social liberties and the rule of law.

Unite in this mission to renew our island into a place where people can be proud of again. Only if we choose to address our flaws and reform them, the Mauritius will again, a driving force for new jobs, security and prosperity, a renewed country.

### ***a) The Theory of change***

**Tackling today's and tomorrow's challenges through pragmatism and passion offers a different vision, one that values fairness and decency.**

After more than 54 years of independence the country needs to reverse the actual trend, endorse a new pathway where we will create "sustainable Mauritius" through innovative politics and green policies that will be well coordinated and sustained while at the same time face major challenges like climate change economic inequalities and institutional failures.

We want our forest, beaches and coral reefs restored and brimming with life again.

We want an inclusive Republic of Mauritius, where every Mauritian has a right to aspire to success, to leadership, to prosperity and to a happy life.

We will rejuvenate economic planning to provide for the ability of directing our economy rationally while preserving the natural capital.

We will set the stage to build an eco-economy – We will not succeed with a project here and a project there we need a strategy for systemic economic change.

Our most pressing goal will be to strive and remove people out of poverty as well as protecting them from economic insecurity and addressing Sustainable Development Goals.

We will give voices to the thousands of people who previously went unheard by bringing local participative democracy closer than ever to existence – People's Watch will be created in all villages and localities.

We will ensure that all working families can live in decent and affordable housing and will try to eliminate all squatters.

Mauritius ranks 15th in the world when it comes to density of road traffic. Ensure that our homes and streets are safe, and we have a clean, green, efficient transport system to eliminate transport congestion.

## ***b) Our Core Values***

**Linion Pep Morisien isn't just another political party. It advocates a new and radical kind of politics guided by these core principles.**

### **Social and Environmental justice**

We support a radical transformation of the society for the benefit of one and all, and for the Republic of Mauritius as a whole.

The economic, social and environmental threats are part of the same problem. We recognize that solutions should be integrated; solving one of these crises cannot be achieved without solving the others.

### **Respecting life**

Humankind depends on the diversity of the natural world and resources for its existence. Live and let others live.

### **Building a sustainable society**

Our physical resources are finite. We threaten our future and the future generations if we try to live beyond those means. We must build a sustainable society that guarantees our long-term future. Basic material security should be a right to everyone now and in the future.

### **Empowering people while enforcing all the human rights**

We want a healthy democratic society based on values, human rights and cooperation between empowered individuals, free from discrimination whether based on race, color, gender, sexual orientation, religion, social origin, or any other prejudice. Particular attention will be given to workers and carceral rights

### **Democratic participation**

We will ensure democratic participation and accountability by ensuring that decisions are taken in consultation with those being directly affected at the closest practical level.

### **Non violence**

We stand guided by non-violent solutions, and will always take into account the interests of minorities and future generations during our course of action.

### **Human and green economy**

We believe that the success cannot be measured by narrow economic indicators like the GDP only but should take account of factors affecting the quality of life for all people, personal freedoms, social equity, health, happiness and human fulfillment

**Democratise access to culture, media and sports**

We strongly believe that the access to culture, media and sporting activities should be democratised to ensure that no individuals are excluded by reason of age gender social ethnic, economic or geographical factors. Culture, media and sport all have a role to play in challenging stereotyping and discrimination.

**Freedom of expression**

We shall stand against all the persons holding positions of power if censorship to the freedom of speech is exercised. Where there is a conflict between the right to free expression or speech and the responsibility not to cause offense, this should be dealt with allowing the offended person equal right to reply.

***c) Lead by Doing***

We believe that electoral politics is not the only way to achieve change in society. Lifestyle changes and other methods to help effect progress will be high on our agenda.



## 2. THE STATE OF OUR DEMOCRACY IN 2022 – FRAUD AND CORRUPTION

Corruption is pervading all aspects of life within the Republic of Mauritius. Horizontally and vertically corruption is gnawing the ‘goodness’ in each human being residing in Mauritius.

Corruption is taking multifarious faces. Even the under 12 in colleges are saying that corruption is the number one problem.

All the investors we have interviewed are crystal clear: “If you don’t you are doomed”. In other words, you must corrupt to have a chance to win any tender or contract.

Examples abound:

- 1) Prime Minister Jugnauth buying of land. No inquiry by ICAC. ICAC sleeping over the inquiry for years then sending a request to the Attorney General who sleeps on the file and waited until the parties before making the request to the government of United Kingdom.
- 2) During the COVID-19 confinement, emergency contracts were awarded to close friends of ministers after manipulating the prices. The country has lost billions of rupees.
- 3) Government is promoting capital investment projects on borrowed money for their ministers and their acolytes can win bags of money.
- 4) Every adult in Mauritius has personal knowledge of corruption (fraud – bribery – kickback – ‘Tidite’ – black label and so on)
- 5) Corruption is everywhere:
  - a) Government - From the Prime Minister, Prime Minister’s office to Police exams and promotions).
  - b) Local Government
  - c) Parastatals
  - d) Private bodies
  - e) State Bank / Maubank / DBM
- 6) High level and very high-level (Grand) corruption exist to the detriment of the Nation.
- 7) Small scale corruption has also increased exponentially specially among the agents of the present government because they believe and rightly so, that they will not be tormented by ICAC or the regular Police because they have the Orange shield of Prime Minister Jugnauth.

- 8) Every young adult and young students under 18 believe that to have:
  - a. Good college
  - b. Scholarships
  - c. A seat at the University of Mauritius
  - d. A job,  
You need to have Political Backing.
- 9) It is not only corruption that has pervaded the Nation but another evil for any democratic society: Cynicism.
- 10) People believe that it is part and parcel of the Mauritian culture.
- 11) ICAC is paying lip service to its mission.
- 12) “Si Pa Menot Badinn”, a maxim which says it all.
  
- 13) Personal gain and Family gain.
  - a. Personal gain and family gain are considered as the main cause.
  - b. The religious persons and socio-cultural organisations have not led any genuine campaign against corruption.
  - c. Lack of transparency is allowing ministers, councilors, and others to play their dirty games.
  - d. ICAC is not up to the mark for political reasons.
  - e. Remove the political shackles within ICAC and a different picture will emerge.
  - f. Get rid of the ‘Seconded to Duty at ICAC’ as it is a form of control. Police officers seconded at ICAC are better remunerated and therefore as they are seconded for duty at ICAC they must follow the political nominees at ICAC.
  - g. Empower the standing committee of the National Assembly to monitor the activities of the ICAC.
  - h. Introduction of a “Juge d’instruction à la Mauricienne”, for all major cases.
  - i. Permanent national campaign and financing of NGOs to that effect.
  - j. ICAC to publish periodic reports (every three months) on its activities.
  - k. The Financial Crime Division to publish a summary of cases like the Judicial Committee of the Privy Council and the outcome of same on a regular basis.
  - l. The Financial Crime Division to sit on Saturdays for all cases more than two years old.

### 3. NEW CONSTITUTIONAL TRANSITION

In January 2002, late Justice Albie Sachs published the “Report on Constitutional and Electoral Reform”, where he credited the then Government and the Mauritian society for our willingness to “engage in such a process of constitutional self-examination”.

Late Justice Albie Sachs stated that “*However well the institutions of democracy may be seen to be functioning, they need constantly to be adjusted. What is fundamental is that the debate on constitutional questions itself be free and fair, and that there be as much public engagement in the process as possible.*”

And he concluded that “*what was surprising, given the robust nature of political life in Mauritius, was the relatively high degree of consensus on the need for change in a number of key areas*”.

Linion Pep Morisien is committed to be bound by the terms and values of our present Constitution. However, 20 years after the Sachs Report we believe that now is the time to embark in a once-in-a-generation project to consolidate the rule of law and strengthen the Mauritian democracy.

Linion Pep Morisien is ready and willing to tackle our nation’s foundational challenges with an ambitious programme of system reform, because ultimately, the Constitution belongs to the Nation. We believe that the prevailing economic, political and social conditions are conducive to a serious and in-depth national debate on a New Constitutional Transition.

Contemporary history teaches us that constitutional transitions have accompanied regime change around the world.

To kick start the public consultation on a regime change, Linion Pep Morisien presents a “Proposed Route” for this New Constitutional Transition.

#### ***a) Proposed Route***

Democratic Structures which will be revamped.

The National Assembly will be overhauled so as to make Mauritius a true and modern Republic.

Section 47 of the Constitution speaks about the alteration of the Constitution.

The word “Alteration” as per S47 of the Constitution or any part of the Constitution is important as it includes references to:

(1) Revoke it – Does it mean a particular section or the whole constitution?

a) Section 31(S) of the Constitution should be read in conjunction with section 31 (2) & 31 (3) of the Constitution.

b) Re-Enactment after the revoking.

c) Making of a new provision.

d) Modifying whether through: (i) Omitting  
(ii) Amending  
(iii) Inserting additional provisions

or otherwise (which means anything to any legislator)

- e) Suspending its operation for any period – in this context see Section 18 of the Constitution derogations from fundamental rights and freedoms under emergency power
- f) Terminating such suspension.

We in Linion Pep Morisien – LPM, note that fundamental changes or alterations have been made to our Constitution without proper and in- depth consultation with the people of the Republic of Mauritius. The different changes since 1967 have been mere toying with the constitution for political convenience rather than increasing the duties and powers of the people

We therefore undertake that this ‘Proposed Route’ shall be to establish a detailed road map about how to go about before alterations are passed through in the Parliament.

There should be a Green Paper which explains in detail the objectives of the government to come with such alterations. The Green Paper will be the subject matter of consultations with the people of Mauritius through

- I. Village Councils
  - II. Municipal Councils at the different Ward levels
  - III. Rodrigues through the different wards under the aegis of the Rodrigues Regional Assembly
  - IV. The three MPS of each constituency will also be called to steer the debates
  - V. The diaspora – Mauritian living abroad
  - VI. Students through the social media of the National Assembly
  - VII. Rapporteurs from the parent ministry will report (as there will be also a Freedom of Information Act):
    - Proceedings
    - The Proposals
    - The Amendments
    - The Fears
    - The Reasoning behind any support or resentment
- The Green Paper shall be in English – Kreol – French also in Bhojpuri, if there is any demand. Why we propose the versions in English and French? Because of the third generation of Mauritians in the diaspora.
  - The consultation about the proposals for alteration shall be done within three months of the publication of the Green Paper (including the report)
  - The White Paper will contain the Bill which the government intends to propose to the National Assembly.
  - Once the White Paper is proposed for debate, there will be a period of extensive consultation. The same route will be followed as for the Green Paper.



- The only difference is that the White Paper consultation reports will be forwarded not to the parent ministry but to a revamped Law Reform Commission.
- The Law Reform Commission will prepare the people's version of the Bill.  
(not more than two months)
- There will be another cooling period of 6 weeks for any proposed alteration by people who believe that proposals have not been taken onto consideration or completely denied.
- The parent ministry will bring it to Parliament (meaning National Assembly and Senate) for a first reading.
- There will be a new mechanism known as the Constitutional Committee having representatives of all different political parties – as far as possible – to discuss the proposed Bill
- The drafting unit of the Attorney General will attend to take into consideration any proposed amendment. (one week will be given for amendment if any)
- The Bill will then go to the different stages both in the Senate and National Assembly.
- The Bill will be sent to the President of the Republic once voted.
- The Bill before assent shall be sent to the Constitutional Court for consideration to see whether the Bill is constitutionally conformed.

## 4. INCLUSION OF THE NATIONAL ANTHEM AND FLAG IN OUR CONSTITUTION

It is surprising to be told today that our national anthem and our national flag do not form part of our Constitution. History will recall that Mauritius is one of the rare countries of the Commonwealth that did not have a flag nor an anthem during its struggle for its independence

- Father of our Quadricolor Sir Razack Mohamed
- “Fathers” of our quadricolor are Phillipe Gentil (the musical side), the lyrics by Jean Georges Prosper
- Our national anthem is known as the motherland
- The oldest national anthem is called the Wilhelmus and was written between 1568 and 1572 by the Dutch during the Dutch revolt
- The Dutch revolt or eighty years’ war was a series of battle fought in the Netherlands between 1568 and 1648 which began when part of the Habsburg empire resisted the unjust rule of Spanish King Phillip II
- On the 27<sup>th</sup> December 1911 the national anthem was first sung at the Calcutta session of the Congress. Jana Gana Mana was adopted by the Constituent Assembly of India on 24<sup>th</sup> January 1950. Vande Mataram have equal status which article is Indian National Anthem Article 51 A (a) States that “it shall be the duty of every citizen of India to abide by the constitution respect its ideals and institutions, the National flag and the national anthem
- The French Constitution of 27<sup>th</sup> October 1946 officially declared that the national anthem of France is “La Marseillaise” the “tricolor” and also “la devise de la République et au principe de démocratie”
- It stems also from article 2 of the constitution of the 5<sup>th</sup> republic
- A Government of Linion Pep Morisien shall amend the Constitution to insert after Section 1 and under 1 A the National Anthem should be the “Motherland” as per the lyrics and musical notes described in Schedule I.
- The National Flag shall be the **Red-Blue-Yellow-Green Quadricolore** as described in Schedule II
- The devise should be Star and Key of the Indian Ocean as described under Schedule III
- The kestrel shall be the official animal of the Republic.

## 5. NEW FUNDAMENTAL RIGHTS

- Freedom of Information Act (FOI)
- Rights of children
- Right of “handicapped” or persons with disability
- Right to dignity and worth of all people
- Right to Jury Trial (choice of A/C in certain cases)
- Digital rights
- Right to privacy
- Right to strike and right to work
- Right to life (include death penalty, abrogated- right for women to choose abortion before 10 weeks, life animal rights)
- The National Assembly must vote 2/3 for Mauritius to enter into any alliance any country before declaring war
- Regulatory impact assessment
- Miscarriages of justice
  - Compensation for wrongful conviction and imprisonment
  - Exercise of the prerogative of mercy
- The territory of the Republic of Mauritius is indivisible and cannot be altered without the unanimous consent of the National Assembly
- Strengthening the right of sexual gender and minorities

### New Constitution

- South Africa 1996
- Brazil 1988
- Columbia 1991

### We must never:

- forget that human rights are indispensable for human dignity
  - bill to bring into force international obligation
- 
- right to permanent education
  - legal aid as a right
  - access to justice
  - right to local government
  - right to democracy
  - right to social security
  - right to rest and holiday
  - right of social service
  - right to cultural art
  - freedom around the world
  - uphold Mauritius human rights agreement

## **6. NEW FUNDAMENTAL RIGHTS TO BE ADDED UNDER CHAPTER 2 OF THE CONSTITUTION**

### ***a) Ecocide***

Right to live in an environment that is healthy and protected in the same vein ecocide will be introduced under our Penal Code.

Stop Ecocide Foundations have been militating for long time to include under the Rome Statute of the international Criminal Court (ICC) a fifth crime: Ecocide

Ecocide has been defined as ‘unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment caused by those acts. Unlawful is not difficult to understand. Unlawful as per our law.

‘Wanton acts’ means recklessness or as per Article 8 of Rome Statute in relation to war crimes that is ‘specifically extensive destruction and appropriation of property. Under Ecocide the experts have defined Wanton as ‘Reckless Disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated’.

### ***b) Human Dignity***

Article 1 of the Universal Declaration of Human Rights states in a crystal-clear language ‘that all human beings are born free and equal in dignity and rights’ and as a result of common birth into the human family one should treat one another in a spirit of brotherhood.

The right of dignity shall become a cornerstone of Section 3 of our Constitution.  
THE RIGHT TO EQUALITY.

We believe we should expand and increase our fundamental rights.

### ***c) Artificial Intelligence***

Major decision must be taken by a human being.

Everyone has the right to know that any algorithms imposed on them are:

- Done after transparent studies by independent well known international bodies or academics
- Transparent and easily understood by those who are involved in artificial intelligence project



- Fair to all persons who will be the recipients and users.

#### ***d) Digital Self-determination***

Everyone has the right to digital self-determination.

The State is responsible so that:

- Excessive profiling is not permitted
- Keeping information on people is forbidden unless permitted by laws where the right to know and challenge exist.
- Manipulation of people is strictly forbidden

#### ***e) Right to Truth***

Everyone has the right to trust that statements made by members of the government or local governments or any para estatal bodies financed by the public are True (We are here inspired by the initiatives run by Stifung Fedel Mensch. The Freedom of Information Bill shall be written with truth as primary objective)

#### ***f) Right to have political parties/ movements***

Will you believe that apart from registration at the general elections mainly for the sake of symbols and the best loser system political parties / movements are not recognized as legal entities.

Do you know that political parties/ political movement can't have an account on their own names? They have to joint account or other legal subterfuge. To open an account in any bank in Mauritius.

Every citizen or resident is free to make political choices which includes the right to:

- form a political party / political movement/ organization
- join a political party/ movement organization of his/ her choice without any impediment unless it will be incompatible with his/ her professional activities.
- participate in political activities without any fear of any reprisal by members of the Government or any other branch of the executive.
- recruit members for political parties/ political movements.
- assemble and to participate in public meetings.
- campaign for a political party / movement / organization.

Every adult citizen has the right to:

- vote in elections for any legislative body established in terms of the Constitution or otherwise through secret ballot and to vote in any referendum through secret ballot.
- stand for public office and if elected to hold office.

Every adult citizen has the right to free, fair elections and referendum established under the Constitution. (Inspired from section 19 heading political rights of the South African Constitution)

- There shall be an Act of Parliament to act as framework of political parties.
- The existence and “*raison d’être*” of political parties, movement / organization shall also be catered.

The following features shall be included:

Every political party movement/ organization/ alliance shall

- Have a national character and not founded on a religion, linguistic Racial, Ethnic, Gender or regional basis or seek to engage in advocacy of hatred on any such basis.
- Have a democratically elected governing body at a known interval which shall be made public and well publicized.
- Promote and uphold national unity
- Uphold and ensure that the institutions of democracy and the rule of law are respected.
- Ensure and promote human rights in Mauritius and elsewhere.
- Abide to principles of transparency democratic principles of good governance and practice within the party / movement/ code of conduct/ integrity for political parties
- Shall not encourage violence in any form whatsoever
- Shall not engage in any way whatsoever in bribery, corruption, social media manipulation, hacking.
- Shall not accept any donations from anonymous sources.
- Shall not accept donations of any kind without the approval of shareholders or members.

Furthermore, Parliament shall have the abiding duty to provide:

- Reasonable and equitable allocation of airtime all year round and closely monitored during electoral campaigns.
- Transparent funding which shall be published and audited.

## 7. HEALTHY ENVIRONMENT A HUMAN RIGHT

On the 28<sup>th</sup> of July 2022 the United Nations General Assembly declared that everyone on the planet has a right to a healthy environment.

In a resolution passed at united nations headquarters in New York, the General Assembly said climate change and environmental degradation were some of the most pressing threats to humanity's future. The resolution is not legally binding on the 193 UN member states.

Inger Anderson, Executive Director of the UN Environment Program [UNEP] said 'this resolution sends a message that nobody can take nature, clean air and water, or a stable climate away from us at least not without a fight.

The resolution comes as the planet grapples with what Anderson called a triple planetary crisis of climate change, nature and biodiversity loss and pollution and waste

- Last year, the New York state passed a constitutional amendment guaranteeing citizens a right to "healthful environment"
- In 2019, following a case entered by an environmental group the Netherlands top court ordered the Dutch government to do a more to cut carbon emissions saying climate change was a direct threat to human rights
- few months ago, Brazil's Supreme Court declared the Paris climate change agreement a human rights treaty saying the pact should supersede national law.
- Article 24 of the African Charter on Human and People's Right states that "all peoples shall have the right to a general satisfactory environment favorable to their development"

The right to a healthy environment includes among others:

- Preventive measures in respect of occupational accidents and diseases
- the requirement to ensure an adequate supply of safe and potable water
- basic sanitation
- prevention and reduction of the population exposure to harmful substances such as radiation and harmful chemicals or other detrimental environment condition that directly or indirectly impact upon human health
- Industrial hygiene – minimization as far as possible cause of health hazards inherent in the working environment
- adequate supply of food and proper nutrition

Linion Pep Morisien is therefore proposing to amend our Constitution to include:

"Every person has the right:

- a) to a healthy environment that is not harmful to their health, well-being, or the well-being of other living creatures; and
- b) to have the environment protected and preserved for the benefit of the present and future generations through reasonable working environment

Promote legislative prompt measures and collaborations with other countries and non-governmental actions that:

- I. Prevent pollution
- II. Stop and prevent ecological degradation
- III. promote conservation
- IV. sensitize the inhabitants of blue planet about the duty of each human being to save the planet and
- V. secure ecologically sustainable development
- VI. prevent ecocide and prosecute any person or any organisations responsible for ecocide
- VII. To have obligations respected and fulfilled

### **Ecocide Inclusion in our criminal code**

In June 2021 legal experts across the world have drawn up a historic definition of ecocide which is intended to be adopted by the International Criminal Court to prosecute the most egregious offences against the environment.

### **Definition of ecocide**

“Ecocide is an unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and widespread or long-term damage to the environment being caused by those acts”

If members of the International Criminal Court adopt ecocide as an offence it would become the fifth offence the court prosecute alongside

- war crimes
- crimes against humanity
- genocide
- crime of aggression

and it would become the first international crime since the 1940s when Nazi leaders were prosecuted at Nuremberg trials.

For Linion Pep Morisien the four existing offences all focus exclusively on the wellbeing of human rights. Ecocide will provide also a new non anthropocentric approach namely putting the environment at the heart of international law.

Linion Pep Morisien will include ecocide as an offence under its Criminal Code.

### **Sentence for ecocide**

- Any person guilty of ecocide shall be punished for life imprisonment
- Further discussion will be held as to the appropriate sanctions

## 8. DIGITAL RIGHTS

Reforms to Section 12 of the Constitution

Digital rights are basic human rights in the present century.

Digital rights are those rights that allow individual to:

1. Access,
2. Use,
3. Create,
4. Publish freely digital media
5. Access and use of all:
  - I. Types of computers
  - II. other electronic devices

Electronic devices and telecommunications network land based, maritime or via satellite or any types of spatial vehicles

- from above principles **Linion Pep Morisien** is saying clearly and loudly that internet access is a right. Inviolable right
- the United Nations (see the UN Human Rights Council: the promotion, protection and enjoyment of human rights on the internet which is accessible at <https://www.article19.org/data/files/internet-statement>)
- And the African Commission on Human and People's Right states that the same right that people have offline must also be protected online.

As stipulated in article 19(2) of the International Covenant on Civil and Political Rights (ICCPR). The right to freedom of expression applies regardless of frontiers and through any media of one's choice.

Questions which need to be addressed:

- A) how will we deal with
  - retweeting
  - resharing of hate speech (kominal – rasis – fasis)
- B) Regulations for defamatory statements from anonymous accounts.

Worldwide in democratic countries these challenges are being mooted and grappled with policy makers, political parties, academic and courts

- Linion Pep Morisien is against any form of social media tax
- internet access should never be made unaffordable
- it is worthy to quote that following the implementation of a social media tax in Uganda in 2018 internet penetration dropped within the space of less than 100 days by four million users
- Interference to access to the internet
- we must not forget that the present government tried to control the internet. Many members of **Linion Pep Morisien** were instrumental and active to stop same from happening
- what are forms of prior restraint to Freedom of Expression?

Non-Exhaustive list:

- (1) Internet shutdowns
- (2) disruption of online networks
- (3) disruption of social media sites
- (4) blocking of content
- (5) filtering of content
- (6) sniffing

What are the effects of such restrictions?

They restrict internet users from expressing themselves. There will be auto censorship or different types of innuendos which are often more damaging and deflect true debates.

#### Landmark case

In June 2020 the economic community Court of West African State (ECOWAS) ruled that the internet shutdown implemented by the Togolese Government was illegal.

[In the above context we humbly invite our brothers and sisters to read Marc J Bossuyt. “Guide to the “travaux preparatoires” of the International Covenant on Civil and Political Rights”

## Network neutrality and the freedom to choose among information sources:

The UN Special Rapporteur on freedom of expression underlines that in the present digital age the freedom to choose among information sources is meaningful only when internet content and applications of all kinds are transmitted without the undue discrimination or interference by non-state actors including providers. This concept is known as Network neutrality and the principle is all internet data should be treated equally without undue interference

Right to privacy: Every action we take online, we leave an indelible digital footprint. Exercising privacy online is quasi-impossible. In January 2020 a High Court in Kenya handed down a judgment finding that a new national Biometric identification system could not be ruled out until a comprehensive data protection framework was in place. The Indian Judges have also adjudicated along the same lines.

Government driven mass surveillance is also on the rise. The Pegasus spyware is not alien to our Republic.

## Reforms:

Section 12 of our Constitution shall be amended to include digital rights S12 A of our Constitution

- Right to internet shall be clearly stipulated and there shall not be any limitation. It will be on the same footing as section 6(1)

“No person shall be held in slavery or servitude”

Section 12(b) shall read:

“No person shall be deprived access to the internet”

## Criminal Code

Criminal Code shall be amended to delete criminal defamation

Therefore, S206 of the criminal code shall be deleted within the first 100 days of being in government

- criminal laws should not stand in the way of free and pluralistic media
- all civil defamation cases shall be heard before a jury



### ***a) Insult Laws***

- The Criminal Code shall be amended to delete all sections in relations to insult
- Insult will become a civil matter. Any person feeling aggrieved by insult shall have full legal aid and the case shall be heard within three months of the lodging of same. Judgment shall follow withing a maximum of three weeks.

Section 12 (1) of our Constitution shall be amended to include after interference with correspondence” the following

“The right to speak, associate, to think and participate in the democratic process”

### ***b) Academic freedom***

Section 12(1) A Shall include academic freedom ie:

Universities shall be free to decide on academic grounds who may teach, what may be taught and who may be admitted to study without the interference of the State or any agency of the State.

The right to teach or learn freely without unreasonable interference from authority or fear of reprisal.

Academic freedom, for Linion Pep Morisien is sacred, as it allows scholars to pursue truth where it takes them (Oh Galileo! Oh Socrates!)

whether in support of or as a corrective to current orthodoxies and to proclaim that truth.

Amendment to s12 of the Constitution.

3 Constitutional Limitations:

The right in subsection s.12 (1) does not extend to propaganda for war anywhere in the world, incitement of imminent violence, or advocacy of any form of hatredness based on race, Ethnicity, gender or religion and that constitutes incitement to cause harm “

Film Classification Board is established under the (1) Film Act 2002 (2) Films Regulations 2009 (3) Stage Plays Act of 1951.

The Act shall be reviewed in with the UNESCO guidelines.

Information and communication technologies authorities (ICTA) Do you remember the alarming proposal of ICTA in 2021?

The Board shall be independent.

The Board shall operate along all the principles of transparency.

The proposal of ICTA, published on April 14, 2021, aims:

- To curtail the abuse and misuse of social media “in relation to hacking, online harassment, offensive comments, online scams and sextortion”.

The law shall be reviewed to make sure that ICTA shall not be allowed to

- (a) decrypt
- (b) encrypt
- (c) archive

All social media in Mauritius ICTA shall never ever be allowed to:

- have access to the credit card (if you use same to pay ads on the social media or if you pay for services)
- Reads the dms of any person residing in Mauritius on twitter.
- Look at the photos of any person residing in Mauritius on his/her private Instagram
- to block accounts
- track down users via their IP Address

On the other hand “annoyance” as an offence shall be scrapped by **Linion Pep Morisien** .

Same for: humiliation, inconvenience, distress, or anxiety

We have a duty to hold our government and all agencies accountable.

The exercise of these freedoms carries with it duties and responsibilities.

### ***c) Landmark international cases***

Observer and The Guardian vs United Kingdom [1991]

The Guardian and the Observer newspapers published large excerpts from the book ‘Spy Catcher’ written by, a British spy, Peter Wright.

Peter Wright gave detailed accounts that the MI-5 had acted unlawfully.

The government obtained an injunction to stop the publication until proceeding relating to a breach of confidence had finished.

When the book was published outside Great Britain the Guardian and Observer complained that the continuation of the Court Order infringed the right to freedom of expression.

The European court of human rights (ECHR) said it was lawful because it was in the interest of national security. The European Court of Human Rights (ECHR) also said that it wasn’t enough reason to continue the newspaper publication ban once the book had been published, because the information was no longer confidential anyway.

Conclusion: with the advent of internet in this digital age it is futile to seek banning of any article, book, film, or play

#### **India Landmark cases**

“If liberty means anything at all, it means the right to tell people what they do not want to hear” - George Orwell

Freedom of expression not only allows people to communicate their ideas, opinions, feelings to others, rather it serves a broader purpose as well. Four main purposes:

1. It is greatly instrumental in discovery of truth. It promotes transparency
2. it helps fo the fulfillment of any human being; it provides a useful mechanism to have a reasonable balance between stability and social change; it strengthens the inherent capacity of citizens to participate knowingly in the decision-making process.

### ***d) Freedom of expression includes freedom of silence***

Bijoe Emmanuel V State of Kerala 1986

3SC615

In the above-named case three children of Jehovah's witnesses were expelled from the school for refusing to sing the national anthem of India. The three children stood respectfully during the singing of the national anthem

The parents of the three children challenged the validity of their expulsion before the Kerala High Court which upheld the expulsion as valid on ground that it was their fundamental duty to sing the national anthem.

On appeal, the Supreme Court of India held that the children did not commit any offence. Also, there was no law under which the fundamental right could be curtailed.

Accordingly, it was held that the fundamental right includes the Right to silence.

In Hamdard Dawakhana v Union of India it was held that the advertisement of prohibited drugs would not fall within the scope of article 19(1)(a) of India's Constitution

- In People's Union for Civil Liberties vs Union of India violates Article 19(1)(a) unless it comes within the grounds of reasonable restrictions under article 19(2)
- In India Express Newspapers V Union of India, it was held that it is the primary duty of Courts to uphold the freedom of the press and invalidate all laws or administrative actions which interfere with it contrary to the constitutional mandate

### ***e) Sediton***

India's Supreme Court has put a controversial colonial law – introduced in the 1870's – on hold that is known to be used to stifle dissent. In May the Supreme Court asked the authorities to pause all existing sediton trials.

The law of sediton in India was used against political leaders seeking independence from British Rule in the 19<sup>th</sup> and 20<sup>th</sup> century.

Sediton law used to imprison nationalists including Mahatma Gandhi and Bal Gangadhar Tilak.

## Sedition Act England

The Sedition Laws date back centuries and were originally designed to protect the Crown and government from any potential uprising. This intent is broadly defended as “encouraging the violent overthrow of democratic institutions” (Vide R v Chief Metropolitan Stipendiary ex parte Chundury) 1991 OB 429)

An array of actions that could be considered as seditions, if they are conducted with the intent to cause violence are among others:

- Causing hatred or contempt, or inciting disaffection against the Crown, the government, the Constitution, either House of Parliament or the administration of justice.
- to incite subjects’ to unlawfully attempt to alter matters of the Church or State that were established by law.
- To incite crime or disturbances of the peace, raise discontent or disaffection amongst the crown subjects; or
- to promote feeling of ill will and hostility between social classes of the Crown’s subjects

Punishments:

1<sup>st</sup> offence: perpetrators would have their ears cut off.

Recidivism: punishable by death.

Modern punishment:

- heavy fine
- imprisonment up to life

Human rights legislation has rendered legislation in democratic country obsolete. The Parliamentary Undersecretary of State Justice Claire Ward was quoted as saying:

“Sedition and seditious and defamatory libel are arcane offences – from a bygone era when freedom of expression was not seen as the right it is today. The existence of these obsolete offences in this country had been used by other countries as justification for the retention of similar laws which have actively been used to suppress political dissent and restrict press freedom...

Abolishing these offences will allow the UK to take a lead challenging similar laws in other countries. The United Kingdom found the sedition laws “Unnecessary”. The sedition law has a chilling effect on Freedom of Speech.

Note that in the United States of America Sedition was made an offence in 1798. It was repealed in 1820 and reenacted in 1918 to protect the American interest in the First World War. In several judgments the US Supreme Court upheld the right of free speech.

## Reforms

The Criminal Code shall be amended to delete the section concerning sedition. Sections of the Criminal Code to be amended are:

283 of Criminal Code

Section which reads as follows:

any person who by any means specified in section 206 –

- (a) holds or brings into hatred or contempt or excites dis affection towards, the government or the administration of justice.
- (b) raises discontent or disaffection among the citizens of Mauritius or promotes feelings or ill-will and hostility between different classes of such citizens"

Country	Date of Abolition
South Korea	1988
Kenya	1997
Ghana	2001
Indonesia (Dutch colonialism)	2007
Jamaica	2013
Uganda	2017
Maldives	2018
Sierra Leone	2020
Singapore	2021

All these countries did erase sedition from their statue books because it infringes freedom of expression principles.

- Inciting civil disobedience or resistance to law s284 of the Criminal Code.  
S284 is vague and because of its vagueness can be used by the police to quell any form of dissent

**Linion Pep Morisien** will delete Section 284 of the Criminal Code

## 9. ELECTORAL REFORMS

### A Special Assize of members of the civil society will be held. Subjects to debate.

- o One elected member per constituency
- o 40 or 50 constituencies.
- o One member for Agalega.
- o Two members for the Diaspora who has a link with the Republic of Mauritius
- o Dose of proportionality where each 5% has one seat. That is a maximum of 20 seats. Also, the minimum 'threshold to have a candidate shall be 5%
- o Abolition of best loser system
- o Fixed term of office
- o Date of general elections and local government elections to be held on the same day or separate days?
- o Sections 33 to 44 of the Constitution will be completely altered and revamped more particularly the Electoral Commissioner, the functions of the ESC and the Electoral Boundaries Commissioner shall be revisited with extensive powers to ensure fairness of elections so that they can act as real '*chien de garde*' instead of as passive dogs without any power to even 'bark'.
- o Compulsory voting which will reduce extraneous and superfluous expenditure which in turn raise level of spending thus giving money politics more room.
- o Political parties financing by public funds and a limit of private sector donation.
- o Nomination Day final
- o Candidates to be inscribed on ballot paper after 'tirage au sort'.
- o Counting to be done on the same day.
- o Introduction of minimum 35% of gender.
- o Declaration of interests including membership
- o All expenses to be done through special receipts
- o Registration of electors all year round meaning that any person who will be 18 years or minimum age of voting shall have the right to vote on the day of elections.
- o All voters shall be inked after casting their votes.
- o No telephones/ cameras or other devices shall be allowed in classrooms with electoral booths.
- o No private meeting shall be allowed
- o Religious bodies are allowed to hold meeting with political parties / candidates but shall publicized same and invitations to other religious bodies and individuals shall be publicized. The revamped ESC shall be notified.
- o No 'base' shall be tolerated.
- o Save a "regional" per constituency.
- o The press shall make sure that all political parties or candidates shall have an equitable treatment.
- o No banners, flags shall be tolerated on the streets during the campaign.



- o Police officers and others shall be allowed to vote at a specific voting center per constituency one day before polling day.
- o Proxy vote can be a source of corruption and bribery and unfairness
- o The Electoral Commission shall have the duty to circulate the manifesto of each political party at least ten days before elections/ polling day
- o All community centers and other amenities belonging to public bodies shall be available free of charge to all political parties.
- o The Diaspora shall vote at the different embassies/ high commission or consulate two days before elections
- o Prisoners shall have the necessary right to vote through alternative voting/ proxy.
- o Detainees at police cells shall be accompanied to vote early in the morning.
- o Police shall make sure that people are not arrested for simple warrants as same can be an excuse to prevent some influential people from campaigning or voting
- o All polling stations shall do the needful for people to vote in person
  - o Very old person
  - o Disability
  - o Poor Health
- o List of electors who are not in Mauritius shall be made public as well as those who have passed away up to polling day
- o CCTV cameras to be used in polling classrooms (not booths). Classrooms used for ballot counting shall be streamed live.
- o The police shall make sure that there is no intimidation.
- o The practice of having tables at the boundaries of 200 meters shall be abolished.
- o Poll Watchers have played an intimidating role in elections throughout history specially at the time of closing – Bell Ringing
- o Impersonation shall be severely repressed
- o Ballot forging shall be prevented by allocating the responsibility to print to the Government printing after all precautions have been taken
- o In the 2020 presidential election in Belarus poll workers claimed that they were forced to falsify vote counts to allow current president Alexander Lukashenko to remain in power. Elections shall be observed by international respected bodies such as
  - o SADC
  - o Commonwealth
  - o European Union
  - o Indian Commissioners
  - o American/ Australian
- o Peaceful transitions of power are vital to democracy and candidates who are defeated in the polls should not use violence or intimidation.
- o No vehicular rally or other rally shall be held during electoral campaign
- o No opinion polls shall be operated and published ten days before elections polling day.
- o Right to recall members of the National Assembly or local government.
- o Constitution will be amended to include “recall petition” and recall mechanism.

Other subjects along those lines will be discussed to propose to the Nation a fair system of voting.

Methods and procedures to deal with election petitions will be addressed and at any rate petitions shall be determined within a span of 3 months from the date of lodging of a petition.

The Supreme Court through the Master and Registrar and the Chief Justice shall be contracted to address who among the judges will hear the petitions as from the day of lodging. The rules committee will revisit, after consultation of the civil society, political parties and others shall be consulted and published before the rules come into practice.

The Supreme Court shall have facilities including overtime to hear the electoral petitions, if need be, up to early hours of the next day.

For the sake of transparency, the electoral petitions shall be broadcasted live.

The time limit for judgment shall be delivered not more than 14 days after the last date of hearing including weekends and public holidays. The Chief Justice shall make sure that hearing of electoral petitions shall be free from any other judicial responsibility.

A special memorandum of understanding shall be signed with the Judicial Committee of the Privy Council to hear the appeal within 2 months of the judgment of the Supreme Court. The Supreme Court shall have power pending determination to ask the member who has been elected not to participate in any debate/ vote of the National Assembly pending determination of the petition by the Supreme Court or Privy Council.

## **10. BOUNDARY DELIMITATION OF THE CONSTITUENCIES**

The constitutional mandate of the Electoral Boundaries Commission under Section 39 of the Constitution is to review the boundary delimitation of all the constituencies of the Republic of Mauritius and to present their recommendations for alterations to the boundaries of the constituencies by way of a report to the National Assembly every 10 years. [emphasis added]

The constitutional duty of the Electoral Boundaries Commission is to delimit the boundaries of the constituencies so that the number of inhabitants of each constituency is “as nearly equal as is reasonably practicable to the population quota”; i.e. the number of inhabitants according to the latest official census divided 20.

It is apposite to note that since 1968, the Electoral Boundaries Commission has published 5 reports (1976, 1986, 1999, 2009 and 2020) and in all their reports the Commission has systematically (a) refused “to interfere with the pairing of the electoral districts” as prescribed by the Mauritius (Electoral Provisions) Regulations of **1966** and (b) deliberately report on the number of electors instead of the number of inhabitants as prescribed by the Constitution.

As a result, the delimitation of the electoral boundaries have remained frozen in 1966, except for minor changes in 1986 and 1999 and the population has been purposely kept in the dark regarding the population quota in each constituency.

Since the last review in March 1999, it is now more than 21 years that the National Assembly has not pronounced itself on the delimitation of the boundaries of our constituencies.

Any reasonable citizen would agree that during those 21 years, profound changes have taken place in all 20 constituencies, be it in terms of the ‘population quota’, means of communication, geographical features and density of the population.

Since 3 November 2020, the fifth Report has been laid on the table of the National Assembly and NO member of Parliament has deemed it fit to question the Prime Minister as to when will he introduce a motion in the National Assembly to either approve or reject the 2020 Report.

Linion Pep Morisien considers that the delimitation of the boundaries of the constituencies is at the heart of any democracy because it ensures that national elections are conducted according to international norms of universal and equal suffrage.

Article 21 (3) of the Universal Declaration of Human Rights provides that: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” [emphasis added]

Furthermore, Article 25 (b) of the International Covenant on Civil and Political Rights provides that “every citizen shall have the right and the opportunity, without any of the distinctions ... and without unreasonable restrictions ... to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”. [emphasis added]

Equal suffrage means that the ratio of elected representatives to voters should be as equal as possible to ensure that all votes carry the same weight.

Can it be said that our electoral system lives up to international norms and standards of democracy with respect to equal suffrage in Mauritius?

The answer is clearly NO, in as much as the 2020 Report expressly states that “according to the register of electors currently in force the two largest constituencies in terms of electors namely Constituencies Nos 5 and 14 have 65,115 and 63,500 electors respectively. The smallest constituency is Constituency No 3 with 21,943 electors. The ratio in respect of the constituencies with the highest number of electors and constituencies with the lowest number of electors is nearly 3 : 1.” [emphasis added]

And the 2020 Report concluded that “the Commission takes note of the historical context in which the boundaries of the constituencies were established. Despite its best endeavours, the Commission acting within its constitutional remit, cannot redefine radically the boundaries of the constituencies of Mauritius as set out in GN No 82 of 1966 and the Mauritius Independence Order GN 54 of 1968. It is the exclusive prerogative of Parliament to do so”. [emphasis added]

Section 39 of our Constitution does not provide “historical context” as a criteria to be considered during a review of the delimitation of the boundaries of the constituencies.

Linion Pep Morisien believes that the time has come to sit down and completely revamp the Electoral Boundaries Commission, which is a disgrace to our electoral system.

## 11. ELECTORAL PETITION

Kenya – an inspiration

Questions as to validity of Presidential election

1. A person may file a petition in the Supreme Court to challenge the election of the President Elect within seven days after the date of the declaration of the results of the Presidential elections
  2. Within fourteen days after the filing of a petition under the clause 1. the Supreme Court shall hear and determine the petition and its decision shall be final
  3. If the Supreme Court determines the election of the President Elect to be invalid a fresh election shall be held within sixty days after the determination
- We must learn from the Kenyan example
  - Fast tracking electoral petitions
  - With the introduction of fixed term elections, it will be more practical for the Chief of Justice to set up rules to hear within a time span of three months the electoral petitions.
  - Prior arrangements should be made with the Privy Council to hear any appeal from the Supreme Court
  - The appeal before the Judicial Committee shall be heard in Mauritius, the appeal shall be broadcasted live on radios / tv and other networks.

## 12. NATIONAL ASSEMBLY

### **S48 of the Constitution shall be amended as follows:**

Subject to this Constitution,

The Assembly shall pass a code which will regulate the procedure of the National Assembly and the Senate.

The code shall be inspired from the practice of different democratic countries.

The code shall also be inspired from our past practices and Erskine May laws.

The code shall be revisited every two years.

### **S49 of the Constitution shall be amended as follows:**

The official language of the Assembly shall be English, French and Kreol but any member may address, the chair in Bhojpuri.

Presently only English is the official language.

It entails that the different documents will be translated in the languages afore mentioned.

Mauritius is one of the rare countries where the debates at its National Assembly are carried in a language currently spoken by only 3% of the population. Same for the members of the National Assembly.

The National Assembly shall be completely revamped.

The National Assembly needs urgent reform. The procedures as governed by the Standing Orders are as yesteryears. We are proposing to set up a standing committee to look at the reform which will make the National Assembly a more effective tool of debates and how to control the executive in a proper accountable way.

We propose to amend the Constitution to make it mandatory to sit all year round with very short holidays.

We propose also to introduce the use of Mauritian Kreol. It is apposite to stress that Mauritius is the only country in the world where the proceedings and debates are conducted in a language spoken by a tiny minority.

The amendment to the Standing Orders will allow among others debates around any International Convention before we sign same, the audit reports, the reports of the different commission of inquiries and others.

More democratic features.

The National Assembly shall have a minimum of 140 sittings.

Open and transparency at all levels

Not only a Chamber to debate bills but also to debate major issues affecting.

- o Republic
- o Indian Ocean
- o African Continent
- o The World

On a yearly basis the National Assembly shall hear:

- o The President addressing the House
- o The representatives of the Municipal Councils & District Councils
- o The representative of the Unions and NGOs
- o The representative of Rodrigues regional council
- o The representative of the Diaspora/ Agalega

**And other reforms along those lines which will be discussed with the civil society.**

## 13. RIGHT TO RECALL

**Right to recall** members of the National Assembly or Local Government. We are deeply inspired by the Kistnen case where a member of the National Assembly caused a lot of harm to the Republic of Mauritius and yet because of the unflinching support of the Prime Minister, did not resign. We are also inspired by the recall MPs Act 2015 which was introduced by the leader of the Liberal Party who was then Deputy Prime Minister of United Kingdom.

The Act makes provision for electors of the constituency where he / she was returned to recall a member of the National Assembly which will entail a by-election.

The difference with what we propose to that in the United Kingdom is:

- In UK proceeding of recall are triggered only if the MP has been guilty of a wrongdoing as per the prescribed criteria
- We are proposing that a petition signed by 30% of the electors will trigger the recall mechanism. In the UK the threshold is 10% of the voters in the constituency.
- That the campaign for recalling a member of National Assembly is limited to 3-4 weeks
- petitioners shall be able to vote via proxy or post
- campaigns for recall are strictly regulated by spending expenditure
- constitution will be amended to include “recall petition” and recall mechanism
- Confidence in politics and fear that the restricted form of the recall proposed could even reduce confidence by creating expectations that are not full filled
- opponents of the recall process stressed the point that MP’s will live in fear of bring recalled on flimsy reasons
- it is apposite to note that the following points should be taken into consideration:
- In UK there was a commission known as Political and Constitutional Reform Select Committee which looked into the recall process the views expressed were not favourable on the ground that the commission has not found enough evidence to support the suggestion for the commission that it will increase public confidence.



## 14. REFORMS OF THE JUDICIARY

- Section 80 of the Constitution shall be amended to set up a Court of Civil Appeal and a Court of Criminal Appeal.
- The Judges of the two Court of Appeals shall be appointed by the Judicial and Legal Service Commission after open vacancies and “open selection in all transparency”.
- The retiring age of the Judges of the Court of Appeal shall be seventy years.
- No person shall be appointed as a judge of the Courts of Appeal of the Supreme Court unless he or she and has been for at least 25 years a barrister or solicitor entitled to practice before the Supreme Court of the Republic of Mauritius.
- Each Court of Appeal shall consist of six Judges consisting of three male and three female Judges.
- All the colonial trapping (His Lordships/Her Ladyships suits, and others will be reviewed after wide consultation.
- In every Court from Court of Appeal of the Supreme Court to the lowest court, there will be the Mauritian Flag and the Mauritian coat of arms.
- All judgment of the Court of Appeal shall be delivered within a period of 2 months as from the last date of hearing.
- All the hearings of appeal or otherwise before the Criminal Court of Appeal shall be televised live on the secured website of the Supreme Court. Example, Judicial Committee of the Privy Council which is our highest court and the Supreme Court in United Kingdom has already introduced same with the effect that the general public is more sensitized with judicial proceedings. It is also a way of roping the general public into the understanding of the administration of justice. The maxim of justice must not only be done but must be seen to be done of Lord Heward will be put into practice.
- The Judges of the Court of Appeal will receive a salary higher to the Prime Minister and the President of the Republic.
- It goes without saying that the Chief Justice will also benefit from a salary above that of the Prime Minister and the President of the Republic. It is a strong signal to the citizen of the Republic that we put justice first among any other thing.
- The website of the Supreme Court shall well in advance publish the sittings of the Court of Appeal, the cases and a resume of the cases, Counsel and Attorneys appearing for the parties.
- The Family Division of the Supreme Court shall sit regularly in the different district of the Republic.
- The Supreme Court shall sit whenever there is the needs in Rodrigues and Agalega.

### ***a) Intermediate Court***

- The Intermediate Court shall also sit in different district of the Republic including Rodrigues and Agalega.
- The Intermediate Court shall sit six days per week.
- The Saturday sitting will be reserved only for cases which are more than 2 years old.
- The Magistrates and the staffs will be remunerated accordingly.
- All cases before the Intermediate Court shall be heard within a delay of six months from the lodging of the case. The needful will be done for morning, afternoon, and evening session. We will get rid of the staggered system.
- The Intermediate Court will introduce the concept the 'De die in diem' as it is done in all criminal cases as the special Assises.
- The concept of jury trial before the Intermediate Court shall be introduced.
- Judgment shall be delivered within a maximum of three months as from the day of submissions.
- A Magistrate or two Magistrates shall be appointed depending on the caseloads to filter all administrative problems so that there is no motion for postponement on flimsy grounds.
- The needful shall be done for typed proceedings to be communicated to the Magistrates and all parties involved in the case within a maximum period of one week.
- All Intermediate Courts shall have the Mauritian Flag and the Mauritian coat of arms.

### ***b) Bail***

- No person shall stay in remand for a period exceeding 18 months. The person shall be released conditionally or unconditionally on bail.
- The concept of non-monetary bail will be introduced and thus getting rid of the maxim 'jail for the poor, bail for the rich'.

### ***c) Judicial and Legal Service commission.***

S85 of the Constitution shall be amended to include

- I. The representative of the Bar Council having at least 10 years standing
- II. The representative of the Mauritius Law Society ten years is mandatory
- III. The representative of the Chambre de Notaire ten years' experience is mandatory
- IV. A representative of a registered 'association des consommateurs'
- V. A representative of Macoss
- VI. A representative of the trade unions nominated by the trade union
- VII. Public interview shall be carried out after the certification of the candidates are published on the website of the Judicial Legal Service Commission

### ***d) Constitutional court***

A Constitutional Court comprising of the Supreme Court of Mauritius and three judges of the Commonwealth or other known democratic country shall be appointed after alteration of

- The Constitution

The Constitutional Court will hold its debates in public and will write an opinion or any dissenting one. If ever there is inconsistency with democratic principles.

- The Constitutional Court shall say so and the President shall write a public letter to the Speaker of the National Assembly and Senate so that the Bill is revisited to include the amendments/ alterations of the Constitutional Court. The Constitutional Court shall be the highest court in the Republic when the issues are:

- a) Interpretation
- b) Enforcement
- c) Protection
- d) Application or Non application of the Constitution

To seize the Constitutional Court procedures will be very relaxed. The debates of the Constitutional Court shall be live and translated in kreol and Bhojpuri.

Seychelles has a Constitutional Court but the best example in our opinions is the Constitutional Court of South Africa.

- The Constitutional Court shall sit in the former Supreme Court building which will be refurbished.
- The Judges shall be appointed by the President of the Republic from a list of nominees prepared by the judicial and Legal Service Commission (which will be altered to be democratic) vetted by a committee representing members of different political parties of the National Assembly.
- The Judges shall serve for a term of ten years which is nonrenewable.
- The Court is headed by the Chief Justice of the Republic of Mauritius.
- Any matter heard requires that it is done by at least 6 Judges.
- Decisions shall be reached by at least 5 Judges not necessarily sitting in one room.
- Decisions are reached by a majority
- Written reasons are given
- The Judges must not be members of any political party
- The Judicial Legal Service Commission will call for nominations
- More importantly the Judicial Legal Service Commission shall hold public interviews
- The constitutional judgements are based on the Mauritius Constitution and other democratic constitutions in countries known to be democratic.
- The Constitutional Court is the supreme Court of the land.
- When interpreting our Constitution, the Court is required to consider as in South Africa and India international human right laws and to hear any matter if it is in the interests of justice to do so.

- The Functions of our Constitutional Court is to determine constitutional matters or any matter in the interests of Justice.
- The Constitutional Court does not hear evidence or question witnesses
- The Court will decide on the written arguments of parties. A resume of the arguments of parties in a non-legalistic language will be published and updated on the website of the Constitutional Court
- Access to the website shall be free and no fees shall be charged for downloading or publishing in toto/ extracts of judgements/ arguments of parties.
- The press shall have extensive access.
- A press corner shall be established
- The Constitutional Court shall cause “programme de formation” for journalists to enhance the level of reporting
  - There shall be a mandatory delay of two months from the time of hearing before judgement is delivered viva voce by the Judge delegated to do so
  - The dissenting opinion, if any, shall be read viva voce
  - The decorum shall be very casual
  - All colonial practices shall be abolished, manners of addressing the Judges shall be reviewed and adhered to
  - Judges are expected to be courteous as it reflects the level of civilization of a democratic Republic.

## 15. PUBLIC INTEREST LITIGATION

Introduction of the concept of the public interest litigation (PIL) which has existed in India since 1980.

Presently, in Mauritius only an aggrieved party can approach or lodge cases before the courts for justice. It is apposite to note that the Chief Justice of India who served from 12 July 1985 to 20 December 1986 was highly instrumental to the development of public interest litigation.

Two types of Public Interest Litigation will be introduced:

- Representative Social Action
- Citizen Social Action

PIL shall be filed before the Supreme Court as PIL are extension of Writ Jurisdiction.

A Public Interest Litigation is a petition that any member of the public – Citizen or Resident of Mauritius can file for any matter concerning public wrong or any injury.

PIL will strengthen the right of the citizens of our country to file cases of public interest such as:

- Elections even before elections are conducted
- Pollution
- Equal opportunity
- Corruption
- Road safety and other hazards from children to even deceased people
- Pensions and Allowances
- Access to health mandatory vaccinations and other medicines, sanitary card.
- Construction hazard.
- Basic Human rights abuses

The above is not an exhaustive list. PIL has not been defined in the constitution of India nor in any Indian Statute. In the case of Janata Dal U HS Chaudhary (AIK 1993 SC 892) the Court held that PIL means a legal action started in a court of Law for the enforcement of public general interest where the public or a particular class of the public some interest (including pecuniary interest) that affects their legal rights or liabilities.

It is also interesting for the sake of debate and clarity that a lawyer – Mr M.C Mehtha - who was derided by many so-called intelligent persons including well know lawyers when he entered the case to protect the symbol of love “TAJ MAHAL” which was being vilified by the acute pollution and the State was not doing anything to protect the symbol of love.

PIL can:

- Help the development of the law through jurisprudence.
- Give the oppressed, poor and vulnerable persons the opportunity to highlight important issues concerning their lives and provide a platform for advocating their rights,
- Raise public awareness on important national and international issues,
- To encourage public debates, debates within political parties and interpolitical parties and other non-governmental organizations and media coverage.
- Clarify the law and increase the scope of the Constitution.

PIL will: relax the rules of Locus Standi and relax procedural rules. The Indian courts have treated even a letter or a telegram as a PIL as in the case of rural litigation and entitlement Kendra, Dehradun V the State of Uttar Pradesh in India. The law regarding the rules of pleadings have been relaxed by the court in cases of PIL.

Intervention by the Courts in India (see article 14 & 21 of the Constitution of India and the International conventions on human rights provide for a fair and reasonable trial) courts have been given the duty to intervene when injustice is done to many.

The Court when hearing a PIL application can appoint a commission in special circumstances or other bodies to investigate.

### ***a) Mens Rea***

Defendant must have had 'knowledge' that there is substantial likelihood of severe and either widespread or long-term damage to the environment being caused by these acts. Under the Rome Statute Mens Réa is awareness of a near certainty that the event will occur.

'Severe' is defined (to sift ordinary offenses from offense of ecocide) as very serious adverse changes disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources.

'Widespread' means that it extends beyond a limited geographic area, crosses state boundaries or is suffered by an entire ecosystem or many human beings.

'Long term' is defined irreversible or that cannot be redressed through natural recovery within a reasonable period of time. Experts have said – to which we subscribe – reasonable period of time to be assessed in the context of a human life than a geological epoch. To note (for sake of information and debate) that the environment covers a range of resources and is further defined as covering the biosphere (ecosystem) cryosphere (frozen ice & ground) Lithosphere (Crust and upper mantle) Hydrosphere (Seas, Oceans, Lakes and so on) Atmosphere (Gases) and outer space.

## 16. PROPOSED AMENDMENTS TO PUBLIC GATHERINGS ACT 1991

The Public Gatherings Act 1991 is one of the most undemocratic Act on our statutes.

All traditional political parties have only paid lip service to:

- The right to demonstrate
- The right to hold public meeting (S13 of the Constitution)
- The right to petition
- The right to organize procession (S13 of the Constitution)

They have imposed a plethora of hurdles to curtail the above rights or to render them negligible. Linion Pep Morisien is for radical changes so that we can really live to the spirit of Section one of our constitution which states that:

“Mauritius shall be a sovereign democratic state which shall be known as the Republic of Mauritius”.

We must amend the Public Gathering Act. Section 2 will be amended as follows:

“Meeting”: To delete “an assembly of 12 or more persons” and “replace same by “an assembly of 50 or more persons”.

Public place – The commissioner of Police shall have a duty to publish a list of all public places with the spirit of encouraging public gatherings. It will no longer be the duty of the organizer(s) to seek written clearances from Municipal Councils, District Councils, Village Councils, RDA, Beach Authority and so on ...

Public procession means a procession in to, or from a public place consisting of 50 or more persons proceeding on foot or in more than 50 vehicles (instead of one vehicle as stipulated in the Act).

To add after b) “does not include:

- (iii) a meeting or procession of workers who have been laid off from their employment.
- (iv) a procession of students what ever be the reasons and motives.
- (v) an assembly or procession held exclusively for a sports purpose

“Public Safety or Public Order” after (e) to add a new paragraph which will stipulate among others that the five conditions should be interpreted with the balance tilting towards democratic values.



### *a) Notice of Public Gatherings*

S3 (1) which reads as follows:

“Any person wishing to hold or organize a public gathering shall give written notice to the Commissioner not less than 7 clear days before the day on which the gathering is to be held or organized”.

Shall be amended to insert after ‘written notice’: In the nature of a declaration to the police station where the gathering will hold place 5 days before the event.

S3 (2) - is deleted and replaced by – “once the declaration has been made advertisement is allowed”

S3 (3) – is deleted and replaced by “The Commissioner shall where there is an urgency accept a shorter notice”.

S3 (5) is deleted and replaced by:

“where notice in the nature of a declaration has been given and the holder or organiser of the gathering later decides to cancel or postpone it, notice of the cancellation or postponement shall immediately be given to the nearest police station where resides the organizer through a simple declaration without any onus on the organisers to give any reason.

S3 (5.1) – No notice in a declaration shall be given if there is a cyclone class III and cyclone class IV warning or flash flood.

#### S4 – Regulation of Public Gatherings

S4 (1) is amended to include after the word ‘impose’ by adding ‘reasonable conditions’ in line with democratic principles on the holding of the gathering and the reasons for those conditions.

S4 (2) Major amendment – reads as follows:

‘where the Commissioner intends to exercise his powers under sub-section (1) he shall within 48 hours of receiving notice of the gathering, call the organisers and inform them of his intention to impose conditions on the holding of the gathering and the reasons for those conditions’.

S4 (2) is deleted. New S4 (2):

The Commissioner shall not impose conditions as per his powers under sub-section (1) which will nullify the effect of a public gathering in a sovereign democratic state.

S4 (3) shall be deleted. New S4 (3) shall read as follows:

‘The Commissioner shall have power to prohibit the gathering, where he reasonably believes that imposing conditions would not be sufficient to prevent public disorder, damage to property or disruption of the life of the community and shall so inform the organisers within 48 hours of receiving the notice’.

S4 (3) as amended will read as follows:

'Where the Commissioner of Police is contemplating to prohibit any gathering, the commissioner shall refer the matter to a Judge in Chambers, who shall after hearing the two parties make such order as he or she may deem fit in the circumstances while promoting democratic values'.

S4 (4) is deleted and replaced by:

'All the proceedings of hearing before the Judge in Chambers under section 4 sub-section (3) shall be made public as soon as the hearing is over.

S7 - Additional Permission

All Local Authorities, Beach Authority, Road Development Authority have a democratic onus to put the facilities within their areas without any impediment to any organizer of public gathering.

S7 (1) (2) (3) (4) as they stand now are deleted and replaced by the above section.

S8 Restriction on Public Gathering.

S8 (1) reads as follows:

'Except with the written authorization of the Commissioner, no public gathering shall be held in the District of Port-Louis on any day on which the Assembly meets and sits'.

S8 (1) shall be deleted. New sub-section 8(1) shall read as follows:

'The Commissioner of Police shall not take any action which deter any demonstration, gathering whenever the National Assembly is sitting'.

## ***b) Criminal Code***

S139 Taking part in unlawful assembly

s139(4) reads as follows

"Any person who takes part in an unlawful assembly shall commit an offence and shall on conviction be liable to a fine not exceeding Rs 2,000 and to imprisonment for a term not exceeding two years"

s139(2) In this section and the following sections "unlawful assembly" means 12 or more persons who:

"an unlawful assembly means 50 or more persons"

s140, s141 (dispersing an unlawful assembly) s142 (remaining in unlawful assembly after warning) s143 (taking part in riot) s144 (rebellion) s145 (rebellion by more than 20 persons) s146 (rebellion by 3 but not more than 20 armed persons, s147 (rebellion by less than 3 armed persons, s148 (rebellion by band or more)

s149

(Interpretation of "armed meeting" s 150 (carrying concealed arms) s154 (rebellion meeting) s155 (rebellion by prisoner) s156 outrage against depository of public authority

All the above quoted section shall be revised by Linion Pep Morisien.

## 17. THE POLICE FORCE

LINION PEP MORISIEN is sad to see the very low morale of the police force.

A separate paper shall be tabled to state the philosophy of LINION PEP MORISIEN regarding the Police Force.

In brief: A Presidential Commission shall be set up to modernize the Mauritian Police Force. The Commission shall work within a time frame of four months. We will work to see to it that we have in the future a professional police service worth of a democratic society which is efficient, effective, responsive to the needs of the people and accountable to the rule of law.

The new Act will provide for social responsibilities of the police will emphasize that the police will be governed by the principles of impartiality and human right norms with special attention to the protection of weaker sections of the community and the oppressed. We will be inspired by what has been proposed by the Mooshahary Committee in India which recommended of a new Police Act to replace the Police Act 1861 in India.

We will convert the Special Mobile Force into a Special Ecological Force.

We will do the needful for the long overdue promotions to be effected within 6 months.

We will see to it that exams are held regularly. The syllabus shall be public at least one year before exams.

The exams shall be under the responsibility of a respectable foreign body like the organization responsible to hold same in the United Kingdom.

- The results will be made public on a specific preannounced day.
- The details of the results shall be reviewable within a period of three months

LINON PEP MORISIEN shall do the needful for each Police station and headquarters to have a budget for the daily running of their respective units. A budget of one million rupees for each headquarter. Each unit of ADSU will receive two million rupees for daily running. CID will receive one million rupees for each unit.

The sum will be credited in an account under the name of the Police station.

The above proposal will put an end to shameful lack of paper pen, ink, toilet rolls and other useful items for the good running of the police station.

The money credited to each station unit shall not be returned to the central government.

## 18. NATIONAL SECURITY SERVICE

The National security service shall cease to be a political tool.

The Police Act shall be amended for the National Security Service report regularly to the Minister responsible of internal security & to a Standing Committee of the National Assembly

The Standing Committee of the National Assembly shall sit at least once per month.

The Standing Committee consist of members of every party holding a seat at the National Assembly & shall report on a quarterly basis to the National Assembly.

The NSS shall cease:

- (1) To monitor or tail any citizen of the Republic of Mauritius unless the NSS has reliable information that a citizen or group of citizens is/are engaging in terrorist activities, i.e., having recourse to arm and force whether in Mauritius or in any other country or engage in propaganda of a fascist nature. The standing committee shall be apprized immediately, and the standing committee shall agree that course of action before any person is monitored or tailed.
- (2) The NSS or any other body of organ of the state shall cause or organize to eavedrop on any resident or citizen of the Republic of Mauritius.
- (3) The Republic of Mauritius shall not act as big brother in any way whatsoever whether directly or indirectly.
- (4) The Safe City camera images shall not be used to control, monitor, tail any citizen of the Republic, whether through facial recognition or otherwise. The safety camera shall also be under the jurisdiction of the Standing Committee.
- (5) The NSS shall cease to:
  - a) Attend public meetings
  - b) Attend private meetings
  - c) Follow and monitor any demonstration be it political, of political nature, trade union or otherwise.
- (6) The archives of NSS shall be made public and all records on the citizens of the Republic of Mauritius shall be destroyed openly.
- (7) The NSS shall not in any way whatsoever vet any candidate for any job in Mauritius.
- (8) The NSS shall not act as pollster or polling agent.
- (9) The NSS shall report on ecological problems not on individuals.

## 19. WAR ON DRUGS

Illegal drugs are spreading havoc in Mauritius.

The Government is obdurate.

The Government is refusing to depenalise Ganja.

The Government is dilly-dallying with the implementation of medicinal cannabis

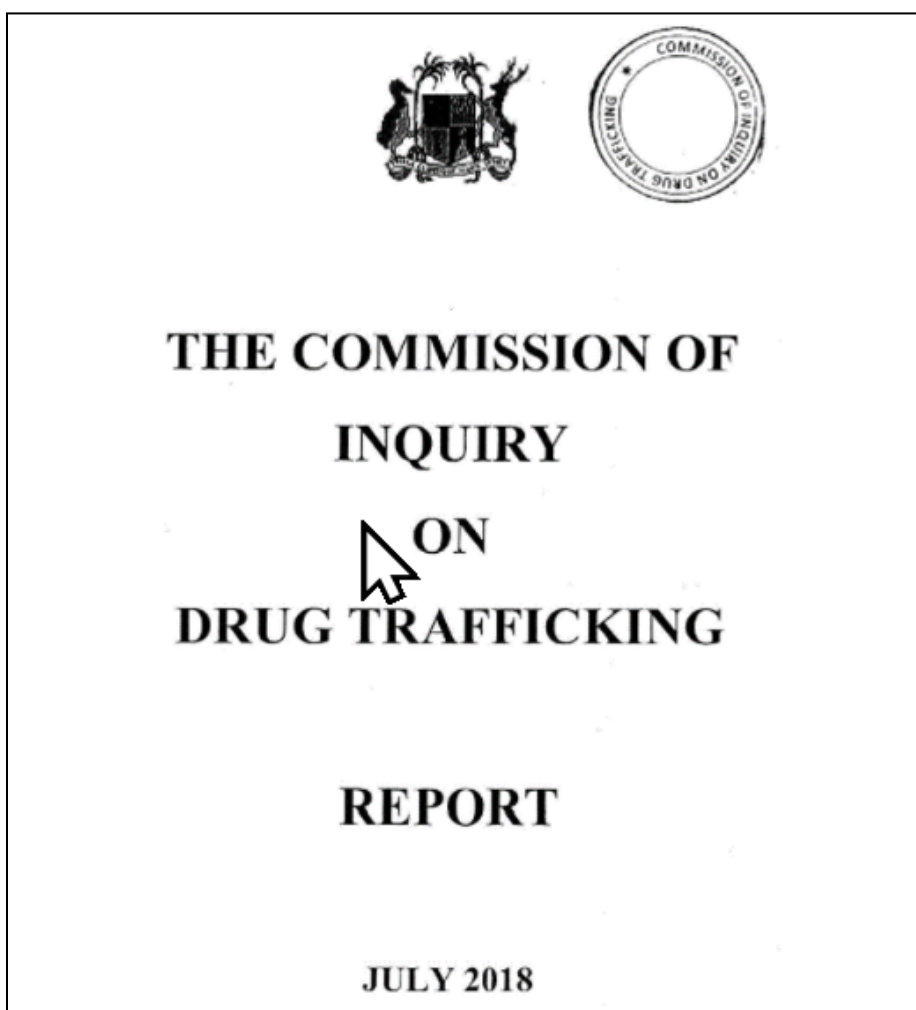
The drugs commission chaired by Former Judge Lam Shang Leen has been a quasi-flop despite spending more than seven million rupees for the fees of the commissioner alone.

How is it that a judge of so many years of experience has committed so many procedural errors?

The government has failed to implement the recommendations of the Lam Shang Leen's report

Some of the recommendations which have not been implemented since 2018 are:

### *a) Implementation Status of the Lam Shang Leen Report on Drugs*



## Chapter 6: The Channels of entry and distribution of Drugs in Mauritius (TOR III)

<p><b>6.12.1 AIRPORT</b> Page 72</p>	<ul style="list-style-type: none"> <li>(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; <b>Billboards Not Implemented - NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>Toilets partly Implemented due to Privacy issues</b></li> </ul>
--	--



<p><b>6.12.1 AIRPORT</b> Page 73</p>	<p>(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; <b>Recommendation beyond the capacity of MRU</b> <b>This showing a total ignorance of Drug facility in MRU</b></p> <p>(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. <b>Drones- NI and the Drones we have are partly managed and non recevability of images captured by Drones. LPM recommends that we engage with Bilatearl dialogue with Turkey</b></p>
<p><b>6.12.2 Drug Enforcement Agency</b> Page 73</p>	<p>(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; <b>NI</b></p> <p>(ii) The Commission recommends that the NDIC should be provided with sufficient kits for testing drugs on the spot; <b>NI</b></p> <p>(iii) The Commission recommends that the NDIC should be provided with electronic gadgets to be able to follow the mules; <b>NI Despite the cost is minimal</b></p> <p>(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. <b>NI and is a big joke for well oiled drug traffikers</b></p> <p>(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, <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI at all, same old cars &amp; motorcycles are still used are are well known by traffikers</b></p> <p>(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; <b>NI</b></p>

	<ul style="list-style-type: none"> <li>(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; <b>It is a joke as ADSU is permanently leaking information of the press and holding press conferences.</b></li> <li>(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; <b>There are only sniffer dogs</b></li> <li>(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; <b>No sniffer dogs available and whether this recommendation is smart is another issue</b></li> <li>(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; <b>NI</b></li> <li>(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. <b>NI</b></li> </ul>
<p><b>6.12.3 The Container Park and Port Area Page 74</b></p>	<ul style="list-style-type: none"> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> </ul>



**6.12.3 The Container  
Park and Port Area  
Page 75**

- (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;  
**Not physically possible**
- (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;  
**Confusing Mauritius to USA**
- (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; **NI**
- (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; **NI**
- (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; **NI and still a "melimelo"**
- (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; **Nothing done**
- (x) The Commission recommends that the CHC must have sufficient security officers to patrol the three terminals under its responsibility along with security dogs; **NI**
- (xi) The Commission recommends that the CHC must envisage drawing up memorandum of understanding with the NDIC, the Port Police and the Customs; **NDIC not created and neither had it been done with ADSU**
- (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. **The number of accesses to port area has increased**

## Chapter 7: The Channels of entry and distribution of Drugs in Prisons (TOR IV)

<p><b>7.13.1 Drug Testing</b> <b>Page 82</b></p>	<p>(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>NI</b></p> <p>(b) The Commission recommends that proper harm reduction and rehabilitation procedure be put up at the LOTUS Centre with the help of NGOs. <b>NI</b></p>
--	---

**7.13.2 Juge  
d'Application des  
peines  
Page 82**

- (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; **NI**
- (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; **NI**
- (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; **NI**
- (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; **NI**
- (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; **NI**
- (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; **NI**
- (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; **NI**



<p><b>7.13. 3 Reforms</b> <b>Page 83</b></p>	<p>(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>NI</b></p> <p>(b) The Commission recommends the setting up of a committee to review the Reform Institution Policy; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p>
<p><b>7.13. 4 Security</b> <b>Page 84</b></p>	<p>(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>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p>

	<p>(d) The Commission recommends that no physical contact during visits is permissible except for detainees classified in the soft regime by the JAP; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p>
<b>7.13. 4 Security Page 85</b>	<p>(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; <b>NI</b></p> <p>(i) The Commission recommends that the SMF be also responsible to accompany the wardens to convey prisoners to courts; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI as nobody understand</b></p> <p>(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; <b>NI</b></p>



	<p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p>
<p><b>7.13. 5 Mobile Phones and Communication</b> Page 86</p>	<p>(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>NI</b></p> <p>(b) The Commission recommends that communication between wardens must be solely through radio and audible to all officers inside the inmates' quarters; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(d) The Commission recommends the purchase of the latest state of the art jammers; <b>NI</b></p> <p>(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; <b>NI</b></p>
<p><b>7.13. 6 Intelligence Unit</b> Page 86</p>	<p>(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>NI</b></p> <p>(b) The Commission recommends that sensitive relevant information be shared with other law enforcement agencies; <b>NI</b></p>

<p><b>7.13.7 Breaches of Regulations</b> Page 86</p>	<p>(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; <b>NI</b></p>
<p><b>7.13.8 Monitoring of Notorious Drug Traffickers</b> Page 86</p>	<p>(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; <b>Monitoring NI and the Mandela Rules are a concept completely alien within the reforms of the Republic of Mauritius</b></p>
<p><b>7.13.9 Smoking in Prisons</b> Page 87</p>	<p>The Commission recommends the prohibition of smoking in the precincts of the prisons in compliance with the Public Health Regulations; <b>Implemented V thus creating another traffic6</b></p>
<p><b>7.13.10 Accounts of Prisoners</b> Page 87</p>	<p>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; <b>NI</b></p>
<p><b>7.13.11 Medical Treatment of Prisoners</b> Page 87</p>	<p>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; <b>NI</b></p>
<p><b>7.13.12 Recruitments</b> Page 87</p>	<p>(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>NI</b></p> <p>(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; <b>NI</b></p> <p>(c) The Commission recommends that would be officers must refrain from indulging in gambling and any breach will be severely reprimanded leading to dismissal; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p>

<b>7.13.13 Loans</b> <b>Page 88</b>	<p>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. <b>NI</b></p>
<b>7.13.14 Inquiry into the prison administration</b> <b>Page 88</b>	<p>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. <b>NI Corruption of public officers</b></p>



## Chapter 8: The Availability of new types of Drugs, including Synthetic and Designer Drugs in Mauritius (TOR V)

<p><b>8.2 Recommendations Page 90</b></p>	<ul style="list-style-type: none"> <li>(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. <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(iv) The FSL should be reorganized to act as a Center of Excellence for Analysis, Research, and Intelligence Gathering for Drugs and Toxicology; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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. <b>NI</b></li> </ul>
---	--

## Chapter 9: Linkages between drug trafficking, money laundering, terrorist financing and other crimes (TOR VI)

<p><b>9.3</b> <b>Recommendations</b> <b>Page 94 - 95</b></p>	<ul style="list-style-type: none"> <li>(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>NI</b></li>   <li>(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; <b>Partly Implemented</b></li>   <li>(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; <b>NI</b></li>   <li>(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; <b>NI</b></li>   <li>(e) Regarding licenced money changers, strict control should be exerted as some are known not to issue receipts; <b>NI</b></li>   <li>(f) Strict control should be exercised by the relevant authority on travel agents who practiced the Hawalla system; <b>NI</b></li>   <li>(g) Purchase of immovable 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; <b>NI</b></li>   <li>(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; <b>NI</b></li>   <li>(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; <b>NI</b></li> </ul>
--	--

	<p>(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; <b>NI</b></p> <p>(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. <b>NI</b></p>
--	--

## Chapter 10: The Adequacy of existing legislation (TOR VII)

<p><b>10.1.1 The Dangerous Drugs Act – DDA Recommendations</b> Page 97</p>	<ul style="list-style-type: none"> <li>(a) That the DDA be amended to provide for the setting up of a <b>National Drug Investigation Commission [NDIC]</b> along the lines recommended under Chapter 17 C of this report; <b>NI</b></li> <li>(b) That the DDA provides for the setting up of an <b>Drug Offenders Administrative Panel [NOAP]</b> 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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> </ul>
<p><b>Trafficker</b> Page 97</p>	<p>That the definition of trafficker be revised. Presently section 41 (aggravating factors) of the DDA provides that <i>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.</i> 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.</p> <p>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. <b>NI</b></p>
<p><b>Financier</b> Page 97</p>	<p>He will suffer the same penalty as the trafficker. <b>NI</b></p>



<p><b>Courier “Mule” Dealer</b> Page 98</p>	<p>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. <b>NI</b></p>
<p><b>Drug Addict; Drug Addict/ Dealer</b> Page 98</p>	<p>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. <b>NI</b></p>
<p><b>Occasional/ Social Consumers</b> Page 98</p>	<p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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’; <b>NI</b></p>
<p><b>Drug Driving</b> Page 99</p>	<p>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</p>

	<p>enforcement authorities should urgently be equipped with appropriate detection test kits to allow testing and officers fully trained; <b>Implemented</b></p> <p>(i) To provide the definition of precursor or immediate precursor drugs, as follows:</p> <p><i>“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. NI</i></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI Hearsay rule</b></p> <p>(l) To provide for the admissibility of a statement of an accused party against a co-accused; <b>Dangerous accusation path</b></p> <p>(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; <b>Very dangerous and against the constitution</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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 taping all the procedure of the search; <b>NI</b></p>
--	---

**10.2 Reform  
Institutions Act  
Page 100**

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



**10.4 Reform  
Institutions Act  
Recommendations  
Page 107**

- (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. **Partly Implemented**
- (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. **NI**
- laws relevant to their profession; **NI**
- (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; **Partly Implemented**
- (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; **Partly Implemented**
- (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; **NI**
- (i) The Commission recommends the setting up of a National Medicine Regulatory Authority to regulate the trade; **NI**
- (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. **NI**



	<p>(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. <b>Partly Implemented</b></p> <p>(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. <b>NI</b></p>
<p>10.5.2.1 The Medical Council Act Page 109</p>	<p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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. <b>NI</b></p>

<p><b>10.5.2.1 The Medical Council Act - Recommendations Page 111</b></p>	<ul style="list-style-type: none"> <li>(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>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(d) The Commission recommends that the DCCB exercises a stricter control of the sale and storage of these substances; <b>NI</b></li> <li>(e) The Commission recommends that home based laboratories operated by teachers giving private tuition should be licenced and monitored; <b>NI</b></li> </ul>
<p><b>10.5.2.1 The Medical Council Act - Recommendations Page 113</b></p>	<ul style="list-style-type: none"> <li>(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>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(d) The Commission recommends that teachers get the necessary training to identify drug issues among students and behaviour change; <b>NI</b></li> <li>(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; <b>NI</b></li> </ul>

	<p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(j) The Commission recommends greater supervision and monitoring of chemicals in the college Chemistry laboratories; <b>NI</b></p> <p>(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. <b>NI</b></p>
--	---



<p><b>10.8.4 The Medical Council Act - Recommendations</b> Page 122</p>	<ul style="list-style-type: none"> <li>(i) to determine the properties and THC level of the locally grown cannabis, <b>NI</b></li> <li>(ii) to determine if the local cannabis may be used for medicinal purposes in light of the evolutions noted in certain countries; <b>NI</b></li> <li>(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. <b>NI</b></li> </ul> <p>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; <b>NI</b></p> <ul style="list-style-type: none"> <li>(d) The Commission reiterates what has been said regarding the issue of capital punishment to have a referendum. <b>NI</b></li> </ul>
<p><b>10.9.3 The Medical Council Act - Recommendations</b> Page 124</p>	<ul style="list-style-type: none"> <li>(a) The Commission reiterates what has been stated in recommendation (c) and (d) in relation to the legalisation of Cannabis; <b>NI</b></li> <li>(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. <b>NI</b></li> </ul>
<p><b>10.10.1 The Medical Council Act - Recommendations</b> Page 126</p>	<p>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>NI</b></p> <ul style="list-style-type: none"> <li>(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. <b>NI</b></li> </ul>

## Chapter 11: The Operational effectiveness of the various agencies involved in the fight against Drug Trafficking (TOR VIII)

<b>11.1.10 Recommendations Page 131</b>	<p>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 come up with a new National Drug Investigation Commission headed by chairperson having legal background. <b>NI</b></p>
<b>11.2.1 Police Dog Unit Recommendations Page 131</b>	<p>(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>NI</b></p> <p>(b) The dogs must be trained to detect all types of drugs albeit that there must be dogs able to detect explosives and currencies. <b>NI</b></p>
<b>11.3.1 Customs Primary Responsibility Page 131</b>	<p>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. <b>NI</b></p>
<b>11.3.15 Recommendations Page 136</b>	<p>(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>NI</b></p> <p>(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. <b>NI</b></p>

<p><b>11.4.12 National Coast Guard Recommendations</b> Page 139</p>	<p>(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>NI</b></p> <p>(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; <b>NI</b></p>
<p><b>11.5.1 Tourism Authority Recommendations</b> Page 141</p>	<p>(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>NI</b></p> <p>(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. <b>NI</b></p> <p>(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; <b>NI</b></p>



	<p>(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; <b>NI</b></p> <p>(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. <b>NI</b></p>
<p><b>11.6.6 Fisheries Recommendations</b> Page 144</p>	<p>(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>NI</b></p> <p>(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. <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(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 <b>NI</b></p>

<p><b>11.7.7 Forest Department Recommendations</b> Page 146</p>	<p>(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>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p>
<p><b>11.7.7 Forest Department Recommendations</b> Page 147</p>	<p>(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; <b>NI</b></p> <p>(e) The Commission recommends the building of proper observation posts in the forest areas to enable better surveillance and rapid intervention; <b>NI</b></p> <p>(f) The Forest Rangers must be accompanied by security dogs and sniffer dogs.</p>



## **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)**

<p><b>12.4.3 Structure and Composition Recommendations</b> Page 149</p>	<ul style="list-style-type: none"><li>(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. <b>NI</b></li><li>(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. <b>NI</b></li><li>(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. <b>NI</b></li><li>(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>NI</b></li></ul>
---	--

## **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)**

<p><b>13.2 Recommendations Page 153</b></p>	<p>(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>NI</b></p> <p>(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. <b>NI</b></p>
---	---

## Chapter 14: The effectiveness of drug treatment and rehabilitation programmes as well as harm reduction strategies, national preventions, education and drug repression strategies with emphasis on youth (TOR XI)

<p><b>14.1.1.3.3</b>  <b>Recommendations</b>  <b>Page 162</b></p>	<ol style="list-style-type: none"> <li>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. <b>NI</b></li> <li>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. <b>NI</b></li> </ol>
<p><b>14.1.3.2</b>  <b>Recommendations</b>  <b>Page 169</b></p>	<p>The Commission strongly recommends that a technical committee of experts comprising 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. <b>NI</b></p>

## Chapter 15: The tracking of funds in order to identify illicit activities (TOR XII)

<p><b>15.1.4</b>  <b>Recommendations</b>  <b>Page 181</b></p>	<ul style="list-style-type: none"> <li>(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>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(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. <b>NI</b></li> </ul>
---	--



<p><b>15.3.4</b> <b>Recommendations</b> <b>Page 184</b></p>	<p>(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>NI</b></p> <p>(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. <b>NI</b></p>
<p><b>15.4.4</b> <b>Parry Report</b> <b>Recommendations</b> <b>Page 185</b></p>	<p>(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>NI</b></p> <p>(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; <b>NI</b></p> <p>(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; <b>NI</b></p> <p>(d) New dynamic leadership within the GRA with a clear strategic plan to fulfil its wide-ranging responsibilities for horse racing; <b>NI</b></p> <p>(e) To priorities horse racing crime and illegal betting by the police. <b>NI</b></p>
<p><b>15.4.5</b> <b>Parry Report</b> <b>Recommendations</b> <b>Page 186</b></p>	<p>(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>NI</b></p> <p>(b) the Inspectorate of the GRA must be reinforced and revamped as recommended in the Parry report; <b>NI</b></p> <p>(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; <b>Partly Implemented</b></p> <p>(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.</p>

## Chapter 16: Whether there is any evidence of political influence in the drug trafficking trade (TOR XIII)

<p><b>16.4</b> <b>Recommendations</b> <b>Page 190</b></p>	<p>(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>NI</b></p> <p>(b) The Government must urgently look into the funding of the political campaigns of parties in order to prevent funding by traffickers. <b>NI</b></p>
---	---



**Chapter 17: Any other matter connected with, or relevant or incidental to chapter (1) to (13) above and make recommendations as appropriate including:**

<p><b>17 B.2 Recommendations Page 196</b></p>	<p>The Commission recommends the disbandment of the ADSU and the Customs Anti-Narcotic Unit and to replace them by a single independent body, the <b>National Drugs Investigation Commission (NDIC)</b> which will spearhead the war against drug offences with special powers of arrest, investigation and prosecution. <b>NI</b></p>
<p><b>17 D.1.6.1 Drug Court Page 200</b></p>	<p>The Commission recommends that a <b>Specialised Drug Court</b> 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. <b>NI</b></p>
<p><b>17 D.1.6.2 Drug Court Harmonised Action Page 200</b></p>	<p>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. <b>NI</b></p>
<p><b>17 D.1.6.3 Training Page 201</b></p>	<p>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) <b>NI</b></p>
<p><b>17 D.1.6.4 Know your Counsel Page 201</b></p>	<p>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. <b>NI</b></p>

<p><b>17 D.1.6.5 Administration and Technology Page 201</b></p>	<p>(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>NI</b></p> <p>(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. <b>NI</b></p> <p>(c) It is recommended that lawyers be seen to comply strictly with set delays to communicate documents, make motions, file skeleton arguments etc. <b>NI</b></p> <p>(d) The decision of the trial court must be handed down within a maximum of 3 months after the date of hearing. <b>NI</b></p>
<p><b>17 E.5 Where there's will Page 203</b></p>	<p>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. <b>NI</b></p>
<p><b>17 E.6.1 Referral Page 203</b></p>	<p>(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>NI</b></p> <p>(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 <b>NI</b></p> <p>(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. <b>NI</b></p>



<p><b>17 E.7</b> <b>Diagnostic Ailment and Prescribing adequate treatment</b> <b>Page 203</b></p>	<p>(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>NI</b></p> <p>(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). <b>NI</b></p> <p>(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. <b>NI</b></p>
<p><b>17 E.8</b> <b>When can the Doap be resorted to?</b> <b>Page 204</b></p>	<p>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. <b>NI</b></p>
<p><b>17 E.9</b> <b>Specified Persons/ Types of offences</b> <b>Page 204</b></p>	<p>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 <i>proprio motu</i> 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/Peddlers, etc) <b>NI</b></p>
<p><b>17 E.10</b> <b>Brief outline of how the doap will operate</b> <b>Page 204</b></p>	<p>(a) Consumers/Addicts are diverted from the criminal justice system by the NDIC or the DC and directed to the DOAP. <b>NI</b></p> <p>(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. <b>NI</b></p> <p>(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. <b>NI</b></p> <p>(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. <b>NI</b></p>

	<p>(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 <b>NI</b></p> <p>(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. <b>NI</b></p> <p>(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. <b>NI</b></p>
<p><b>17 E.13.1/2</b>  <b>Special training and addressing possible stigmatisation</b>  <b>Page 205</b></p>	<p><b>17E.13.1</b> 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. <b>NI</b></p> <p><b>17E.13.2</b> 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. <b>NI</b></p>
<p><b>17 E.14</b>  <b>Inter-Agency Cooperation</b>  <b>Page 205</b></p>	<p>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. <b>NI</b></p>

## Chapter 18: Rodrigues

<p><b>18.6.1</b> <b>Port Authorities</b> <b>Page 208</b></p>	<ul style="list-style-type: none"> <li>(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>NI</b></li> <li>(b) Adequate and specialized training in drug detection should be given to all law enforcement officers including ADSU, Customs and other port officers;???? <b>NI</b></li> <li>(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; <b>NI</b></li> <li>(d) Vegetables, fruits (lemon bags), and Jars containing honey or other food products should to be inspected; <b>NI</b></li> <li>(e) Access to the ship should be strictly controlled during mooring; <b>NI</b></li> <li>(f) Ship chandlers to be searched prior to access and after leaving the vessel; <b>NI</b></li> <li>(g) To decree the container park as a restricted area and to post at least two security officers to provide a 24/7 service; <b>NI</b></li> <li>(h) Strict control on pleasure crafts; <b>NI</b></li> <li>(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. <b>NI</b></li> </ul>
<p><b>18.7.1</b> <b>Airport</b> <b>Page 209</b></p>	<ul style="list-style-type: none"> <li>(a) The outdated cameras to be replaced with new sophisticated ones; <b>NI</b></li> <li>(b) Posting of additional police officers for patrolling the airport area; <b>NI</b></li> <li>(c) Supervision of the loading and unloading of luggage from the aircrafts; <b>NI</b></li> <li>(d) Posting of ADSU officers on a permanent basis at the airport and not only on arrival and departure of planes; <b>NI</b></li> <li>(e) ADSU officer to be present in the baggage outgoing and collecting area and profiling to be done; <b>NI</b></li> <li>(f) Accompanied luggage to be screened in the presence of ADSU officers; <b>NI</b></li> <li>(g) All staff leaving the airport should be thoroughly searched. <b>NI</b></li> <li>(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. <b>NI</b></li> </ul>



<b>18.8.1 Prisons Department Recommendations Page 211</b>	<ul style="list-style-type: none"> <li>(a) CCTV cameras to be installed at strategic places; <b>NI</b></li> <li>(b) Concrete walls to replace fencing and to increase the height of the surrounding walls at certain places; <b>NI</b></li> <li>(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, <b>NI</b></li> <li>(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. <b>NI</b></li> </ul>
<b>18.9.1 MRA/ Customs Recommendations Page 211</b>	<ul style="list-style-type: none"> <li>(a) The ADSU and the Custom officers work as a team instead in isolation; <b>NI</b></li> <li>(b) To scan all incoming luggage from Reunion Island and strict control over passengers; <b>NI</b></li> <li>(c) From the advance list of incoming passengers (ship and plane) profiling to be done to identify potential traffickers; <b>NI</b></li> <li>(d) More sniffer dogs to be deployed; <b>NI</b></li> <li>(e) Scanners to be provided for the Port; <b>NI</b></li> <li>(f) The Customs to be provided with technological equipment to enable detection of illicit drugs; <b>NI</b></li> <li>(g) The necessary training be given for the officers to enable them to identify the various drugs. <b>NI</b></li> </ul>
<b>18.10.1 Postal Services Page 212</b>	<ul style="list-style-type: none"> <li>(a) A scanner be installed to scan all parcels and packets leaving Rodrigues especially for the mainland; <b>Partly Implemented</b></li> <li>(b) A sniffer dog has to be present during checking of letters and parcels, <b>NI</b></li> <li>(c) Training in identification of drugs be given to the staff. <b>NI</b></li> </ul>
<b>18.11 Youth Services Page 212</b>	<ul style="list-style-type: none"> <li>(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>NI</b></li> <li>(b) Sensitization programs to be carried out also in schools as well as other sectors. <b>NI</b></li> </ul>

<p><b>18.12.1 National Coast Guard</b> Page 213</p>	<ul style="list-style-type: none"> <li>(a) The radar system and the UPS, be replaced with a modern and sophisticated one; <b>NI</b></li> <li>(b) Proper and regular entries be made in the log books regarding status of equipment and other maritime activities.; <b>NI</b></li> <li>(c) More boats to be acquired for patrolling and interception; <b>NI</b></li> <li>(d) To acquire powerful drones for surveillance of the vast extent of sea when the Dornier is not on the island. <b>NI</b></li> </ul>
<p><b>18.13.1 Forestry Department</b> Page 214</p>	<ul style="list-style-type: none"> <li>(a) The Forestry Department to be given a high priority rating. <b>NI</b></li> <li>(b) Training, proper equipment and facilities, such as transportation to be provided to forestry officers to carry out their duties more efficiently; <b>NI</b></li> <li>(c) A back up system to be set up to shoulder the Forestry officers in situations where drug cultivation is discovered. <b>NI</b></li> <li>(d) Firearms and mobile phones to be given to the Forestry officers. <b>NI</b></li> <li>(e) Drones can be deployed to scan regions that are inaccessible to the Forestry guards. <b>NI</b></li> </ul>
<p><b>18.14 Fisheries</b> Page 214</p>	<ul style="list-style-type: none"> <li>(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>NI</b></li> <li>(b) Presence of fisheries guard at the fish landing stations. <b>NI</b></li> <li>(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.</li> <li>(d) All boats sailing on high seas should obligatorily be manned with tracking devices for monitoring. <b>NI</b></li> </ul>
<p><b>18.15 Education Sector</b> Page 214</p>	<ul style="list-style-type: none"> <li>(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>NI</b></li> <li>(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. <b>NI</b></li> </ul>

<p>18.16 ADSU Page 216</p>	<ul style="list-style-type: none"> <li>(a) Capacity building for the officers. <b>NI</b></li> <li>(b) Availability of detection kits. <b>NI</b></li> <li>(c) To work in close collaboration with the Customs Department. <b>NI</b></li> <li>(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. <b>NI</b></li> <li>(e) To increase the personnel from officers from the mainland on a roster basis. <b>NI</b></li> </ul>
<p>18.17 ICAC Page 216</p>	<ul style="list-style-type: none"> <li>(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>NI</b></li> <li>(b) To work in close collaboration with the MRA and the ADSU to track those traffickers for money laundering offences. <b>Partly Implemented</b></li> </ul>
<p>18.8 CRAC, other NGOS Page 216</p>	<ul style="list-style-type: none"> <li>(a) The members of CRAC must be given training by health care specialist in Mauritius in the field of substance abuse. <b>NI</b></li> <li>(b) Mass sensitization on programs to be conducted in collaboration with other NGOS, Religious bodies and the different authorities. <b>NI</b></li> <li>(c) A strict prescribing protocol to be issued to the doctors for better control of the psychotropic drugs. <b>NI</b></li> </ul>



19.5 Noble Profession  
14 Recommendations  
Page 237

- (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. **NI**
- (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. **NI**
- (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. **NI**

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. **NI**

- (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. **NI**
- (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. **NI**
- (g) Counsel in the same Chambers should be prohibited to appear for different accused in the same case. **NI**

	<p>(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. <b>NI</b></p> <p>(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 '<i>devire l'enquete</i>'. <b>NI</b></p> <p>(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. <b>NI</b></p>
--	---

**The Government is not taking measures to stop the proliferation of drugs.**

**The number of drug addicts is on the rise.**

**Consumers of synthetic drugs are flooding the market.**

**The under 25 is flowing towards synthetic drugs**

**Heroin is having free access because of corruption at the highest level.**



*Intentionally left blank*



**18 August 2022 Freedom of information act**



**16 May 2022 Alternative Budget**



**30 April 2022 Cannabis Economy**



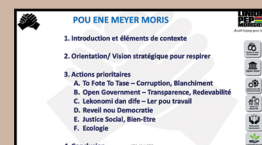
**Extra-parliamentary questions**



**LPM Constitutional Transition**



**LPM Programme**



**21 March 2022 Launch of LINION PEP MORISIEN (LPM)**

**Linion Pep Morisien (LPM) - 50 rue St Denis, Port-Louis**

 [lpm@citizen.mu](mailto:lpm@citizen.mu)  [www.linionpepmorisien.com](http://www.linionpepmorisien.com)