

## PARLIAMENTARY QUESTION

B/587      The Honourable Third Member for Belle Rose and Quatre Bornes (**Ms. Deerpalsing**)

*To ask the Honourable Attorney General:-*

**Whether, in regard to the Bail Act, he will state where matters as to the proposed amendments to be brought thereto with a view to imposing a curfew requirement and the ordering of the wearing of electronic bracelets?**

## REPLY

**Mr Deputy Speaker, Sir,**

1. Paragraph 23 of the Government Programme 2010-2015 indicates the intention of Government to reform our law on bail as follows –

*“A new Bail Act will be introduced. The Courts will be able to impose a curfew requirement on detainees and order them to wear electronic bracelets.”*

2. In fact, the Law Reform Commission, in its annual report for the year 2009 on the Activities of the Commission and in its report on Bail and other related issues, has recommended the introduction of electronic monitoring devices, which will monitor the location of a detainee who has been granted bail, as one of the conditions for the release on bail.

3. Mr Deputy Speaker, Sir,

Our Bail Act must be read together with sections 1 and 5 of the Constitution which guarantee the right to personal liberty and which preclude any automatic denial of bail even where the suspect is charged with the most serious crimes. As investigations become more complex and take longer to be concluded, it has become urgent to introduce modern methods of monitoring detainees who have been released on bail. In the case of **Islam v The State 2006 SCJ 282**, the Supreme Court observed that:

***“25. Each country has developed its own home-grown system proper to its demography, land mass and other socio-economic factors. For example, a***

**good many countries as early as the eighties adopted the electronic tagging system. A device is placed on the person which sends a signal to a transmitter in the offender's home and relays it to a central control. Where appropriate, this system is coupled with other conditions imposed on suspects such as night-time curfew, for example from 1900 hrs to 0700 hrs (...)**

**31. In Mauritius, the monitoring mechanism in bail administration has remained old-fashioned. Our primitive tools and techniques are today the greatest obstacles to the promises of our law and to an enhanced promotion of the enshrined guarantees of our constitution. (...)"**

4. Mr Deputy Speaker, Sir,

I have to inform the House that I chaired a meeting with representatives of the Prime Minister's Office, the Office of the Director of Public Prosecutions and my Office on 3 June 2011 to discuss the proposals of the Law Reform Commission and the amendments to be brought to the Bail Act.

5. Mr Deputy Speaker, Sir, a draft Bail (Amendment) Bill has already been circulated amongst stakeholders namely:

- (a) the Prime Minister's Office;
- (b) the Office of the DPP;
- (c) the Police; and
- (d) the Ministry of Finance and Economic Development because of the financial implications.

6. A meeting is scheduled on the 6<sup>th</sup> of July in my Office to consider any comments from stakeholders on the draft Bail (Amendment) Bill so that it may be finalised and submitted in due course for Cabinet approval before introduction in the National Assembly.

7. Mr Deputy Speaker, Sir, I can assure the House that, when drafting the legislation on bail, we shall be guided by human rights principles and the need to strike a right balance between the right to liberty of the individual and the protection of society.