

B/729 The Honourable Third Member for Grand River North West and Port Louis West (Mr Baloomoody)

To ask the Honourable Attorney-General, Minister of Justice, Human Rights and Institutional Reforms –

Whether, in regard to drug-related offences, he will state if consideration will be given for the setting up of a separate (a) court for the trial of suspects arrested in connection therewith and (b) prison for the imprisonment of persons convicted therefor, as recommended in the latest report of the Human Rights Commission?

REPLY

Madam Speaker,

In its 2018 report, at paragraph 5, the Human Rights Commission wrote the following:

‘ 5. Drugs

Drug trafficking drug dealing and drug consumption are preoccupying human rights issues. Synthetic drugs appear to have invaded the market...What is needed in Mauritius is a fast track to deal with drug cases. A Drugs Court to try drugs offenders at all levels, whether it be traffickers, dealers, consumers. Drug trafficking trials tend to be prolonged if the evidence of mules has to be used against big dealers in cases of controlled delivery’

Further, sections 47(1) and 47(2) of the Dangerous Drugs Act provides as follows:

“47. Jurisdiction

(1) Subject to subsection (2), a prosecution for an offence under this Act shall take place, at the sole discretion of the Director of Public Prosecutions, before a Judge without a jury, the Intermediate Court or the District Court.

(2) A prosecution for an offence under sections 30 and 41 (3) shall take place before a Judge without a jury where it is averred that the accused person is a drug trafficker.”

Madam Speaker, the total number of drugs cases disposed of by the Supreme Court, Intermediate Court and District Courts (all courts combined) for the years 2015, 2016 and 2017 is 2473, 2228 and 2112, respectively.

Madam Speaker, with regard to part (a) of the question, it is important to recall that the Report of the Presidential Commission to examine and report upon the structures and operations of the Judicial and Legal Professions of Mauritius [The Mackay Report] provides that:

‘2.8 It has been suggested that there is a necessity for a distinct Drugs Court, particularly in view of the present delay in drugs cases. We are of opinion that it would not be wise to set up a completely separate Drugs Court since the present jurisdictions of the existing courts allow them to deal with drugs but we do suggest that in the Intermediate Court it would be right to have a separate list to which drugs cases are assigned and the Magistrates to deal with these cases be designated for that purpose by the Presiding Magistrate of the Intermediate Court and again for the purpose of familiarising the magistrates with the basic problems of this drugs jurisdiction those assigned to dealing with these cases should be so assigned for a considerable period. In this way a special priority can be assigned to drugs cases since there is obviously a tendency in these cases that for some accused persons to do what they can to contrive for delay in the disposal of their cases and it is vital that those responsible for the administration of the court do not allow justice to be impeded in this way.’

Madam Speaker, Government has, in 2015, set up a Commission of Inquiry on Drugs. The Commission has completed its hearings and is in the process of finalising its report. Government will consider this matter in the light of the report of the said Commission of Inquiry and the recommendations made therein.

Madam Speaker, with regard to part (b) of the question, the House will note that out of the total number of convicted detainees as at April 2018, only 23% have been sentenced for drugs offences. On this matter as well, it will be better to wait for the report of the Commission of Inquiry on Drugs prior to reaching a decision on the setting up of a special prison for drug offenders.