

EXTRACT

OF THE COMMISSION OF INQUIRY ON DRUG TRAFFICKING REPORT 2018



CHAPTER 3: METHODOLOGY - APPRAISAL

3.8 BUSINESS AS USUAL

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

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

3.9 USE OF TECHNOLOGY

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

3.25 FRIEND OR FIEND?

The Commission also looked into the sale of sim cards by the telephony service providers and the system of topping up. The Commission will deal with the procedure for the sales of sim cards and the issue of absence of monitoring of sales of sim cards to foreigners mainly

workers from Bangladesh as it is those sim cards which were used in prisons and by some unscrupulous persons in what the Commission learnt as being termed as 'black phone'.

3.26 BLACK PHONES

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

3.27 TOPPING UP

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

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

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

3.28 ICTA- NEED TO THINK OUT OF THE BOX

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

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

7.1.1 PELTING

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

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

With the use of mobile phone, appointment was taken when a parcel would be expected to land in the yard of the prisons, even under the nose of the prison wardens. The Commission has been informed that convicted drug traffickers have even dared to ask prison sentries on the catwalks and the sentry tower to move away as it is not in their interest to stay at their posts. The Commission has not heard of the pelting problem at the women's prisons or at Richelieu prison but nevertheless there has been a proliferation of mobile phones and sim cards which can only be introduced on all probabilities with the connivance of squalid officers.

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

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

11.8 ICTA

In view of the heavy dependence of the drug traffickers in the prisons on smartphones, the Commission is of the view that the relevant authority together with the telephony service providers must review the sale of sim cards especially to tourists and to foreign workers. Regulation must be made so that any person wishing to obtain a sim card must personally fill in the application form with all relevant information to identify and locate the person and only one sim card can be given per application to prevent corrupt seller of sim cards in tobacco outlet to insert more sim card numbers without the knowledge of the applicant.

Sim Cards issued to foreign visitors must have a period equivalent to their stay and thereafter automatically deactivated by the telephony service providers.

The Commission has also noted the ease with which the drug traffickers could obtain credit to enable them to use their smartphones. Topping up of sim cards by using scratch cards must be forbidden. It is for the authorities to find other means to enable their clients to be able to continue using their telephones. With the post paid system, there will be greater control as the telephony service providers will have to send the invoice at a particular address and if the amount is not settled within the specified period, the service provider will be entitled to cancel the use of that number which it is actually doing.

The Commission heard of the traffickers now resorting to satellite phones. The relevant authority must supervise and control that type of phone.

It is too well known that purchase of synthetic drug is effected through the internet. Monitoring of those known sites must be effected and information communicated to the law enforcement agency. The Commission has already brushed upon this issue, made recommendations and see no need to repeat it here.

REGULATIONS 2023

Following to the Recommendations of the Commission of Inquiry on Drug Trafficking, on 28 June 2023, the Government has promulgated the Information and Communication Technologies Regulations (Registration of SIM) 2023, taking effect from 31 October 2023.

The Information and Communication Technologies Regulations (Registration of SIM) 2023 require all existing SIM holders to re-register their SIM by 30 April 2024, failing which the unregistered SIM will be deactivated by mobile operators.