

VERBATIM REPORT

Committee: Finance and Public Accounts Committee
Meeting: Meeting with the **Department of Prisons** to discuss the Auditor General's Report of 2009 and 2010
Room: Committee Room 3
Date/Time: Tuesday 21st August, 2012 at 1500 hours

Present: Committee
Hon. David Pierre - *Chairperson*
Hon. Charles De Commarmond – *Vice-Chairperson*
Hon. Lenny Lebon
Hon. Marc Volcere
Hon. Bernard Arnephy
Hon. Sebastien Pillay
Hon. Nichole Barbe

Department of Prisons
Mr. Maxim Tirant – *Superintendent of Prisons*

In Attendance: Office of the Auditor General
Mr. Marc Benstrong - *Auditor General*

The Secretariat
Ms. Sandra Hall - *Secretary to the Committee*
Ms. Saviona Isaac - *Secretary Assistant*
Ms. Angelic Appoo – *Committee Advisor*

HON DAVID PIERRE

Ok, good afternoon and welcome. Let me start by letting you know that we are the Finance & Public Accounts Committee and Article 104 of our Constitution gives the Assembly the power to form standing Committees of which FPAC is one of those standing Committees. And Article 104 (3) and I quote, states very clearly that: "For purposes of effectively performing its functions, a standing or any other Committee may summon any person that the Committee believes may assist the Committee in the performance of its functions and the Committee shall have the powers, rights and privileges of the Supreme Court for:

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b), compelling the production of documents; and
- (c) issuing a commission of request to examine a witness abroad".

So, basically the Committee gains its powers from the Constitution and before I go any further, please allow me to introduce Members of the Committee and then you will introduce yourself. I myself is the Chairperson of the Committee and then we have the Vice Chairperson which is Honorable De Commarmond. Other Members, Honorable Volcere, Honorable Barbe, Honorable Arnephy, Honorable Pillay and absent today, this afternoon is Honorable Lebon and please Sandra if you could kindly introduce the others please.

MS SANDRA HALL

My name is Ms Sandra Hall, I am the Committee Secretary, on my left is Mr. Marc Benstrong the Auditor General. On my right I have Ms Angelic Appoo the Committee advisor and Ms Saviona Isaac as the Secretary Assistant to the Committee.

HON DAVID PIERRE

Ok, please kindly introduce yourself.

MR MAXIM TIRANT

Maxim Tirant, Superintendant of Prisons.

HON DAVID PIERRE

Thank you very much. So Mr. Tirant we are here today to ask questions so as to clarify the issues with respect to the reports of the Auditor General for the years 2009 and 2010. And the Committee expects any witness to speak the truth, the whole truth and nothing but the truth and everything that is said here remains for the consumption of the Committee. So, we would like to ask you a few questions with respect to the last 2 reports of the Auditor General, specifically for reports of 2010 and I shall start straight away by asking you 3 questions and I would like to point your attention to page, you have report 2010 with you?

MR MAXIM TIRANT

No.

HON DAVID PIERRE

You have been given a copy?

MR MAXIM TIRANT

Just now.

HON DAVID PIERRE

Ok, you haven't had the chance to look at the report?

MR MAXIM TIRANT

No, not at all.

HON DAVID PIERRE

You have never received a copy of the report?

MR MAXIM TIRANT

Not to my knowledge, no.

HON DAVID PIERRE

Mr. Benstrong do you send copies to all departments?

MR MARC BENSTRONG

To Accounting officers.

MR MAXIM TIRANT

Anyway, very likely it may have gone to Mrs. Vidot because she is the one who is doing all the finances for the Prisons, Florianne Vidot.

HON DAVID PIERRE

Ok, but you have with you now a copy of the 2010 report and kindly please turn to page 53, I am referring to 2.4 for my first question. You have 2.4, payments not adequately supported, Financial Instructions (FI) 0520 states that no payments should be authorized unless the payment voucher is supported by the original invoice and or suitable documentation such as receipts, goods received notes and delivery notes from the samples selected. Audit observed that in 3 cases payments totaling to R598,484 were made against quotations or pro-forma invoices whereas in a further 5 payments totaling R6,036 audit did not have sight of any supporting documents, ok and it goes on. So, my question to you would be, what mechanisms are in place to ensure that accounting officers follow financial instructions? What do you have in place to ensure that financial instructions are not broken? They are followed.

MR MAXIM TIRANT

Accordingly when I was assigned to the post I haven't changed any of the procedures that were in place and Mrs. Vidot is supposed to be managing the finances and if I have anything to purchase on behalf of the Prisons I would seek from her if we have the finances and thereafter if she has confirmed then relevant procedures are

implemented and of course the prisons have an acute shortage of resources. We don't have for example, a Financial Controller, we don't have an Accountant for the prisons and we don't have a Procurement Officer. All of this is lacking and I was relying mainly of Mrs. Vidot from where I started off. I did not change any of the procedures that were in place and are still in place. But recently we have just had an exercise from the Internal Audit where that recommendation had been made pertaining to such issues that we should have something specific established and this is being considered at this point. We are in the process of recruiting a proper Accountant, somebody that would do the procurement and a Financial Controller.

HON DAVID PIERRE

So, basically you lack all of those supports?

MR MAXIM TIRANT

Yes, we need and it has been highly recommended also by the Auditors Mr. Gedeon and Ms. Dick.

HON DAVID PIERRE

When were the recommendations made?

MR MAXIM TIRANT

I suppose it is about 3 months now, 3 months ago.

HON DAVID PIERRE

And what mechanisms do you have in place to ensure compliance because this is a non compliance issue? So, you need to have proper mechanisms to ensure compliance. Do you have them?

MR MAXIM TIRANT

Well I am not sure what all this entails in my capacity as we speak but normally if any purchase is done I will

consult with Mrs. Vidot and thereafter she will confirm that we have the finances and any pro-forma invoices will be sought and then I will approve payment and these goods will be procured and thereafter I will sign the document for final payment through the office of Mrs. Vidot to be made.

HON MARC VOLCERE

Mr. Chair, can we know the status of Mrs. Vidot, who is she and what posts does she hold?

MR MAXIM TIRANT

Mrs. Vidot she is the one that is managing the finances for Immigration and the Prisons at this time. Florianne Vidot, yes.

MR MARC BENSTRONG

I think for the benefit of the Committee, the accounting functions of the Department of Prisons is centralized at the Ministry's Headquarters.

MR MAXIM TIRANT

Yes definitely.

MR MARC BENSTRONG

She is at the Ministry's Headquarters, I do not know whether she was invited.

MS SANDRA HALL

Because at the start, I spoke to Mrs. Vidot and she advised that she would be coming to the meeting, but then when Saviona called her to confirm she said that she would not be coming. However, she has confirmed that she would be coming for Immigration, which is tomorrow.

HON DAVID PIERRE

What time?

MS SANDRA HALL

10.45am.

HON DAVID PIERRE

Could you kindly advise her in the morning that we may be asking her a few questions with respect to the Prisons Department as well, ok?

MR MAXIM TIRANT

My understanding is that she will be here tomorrow with the PS for Immigrations.

HON DAVID PIERRE

Yes, she will be appearing before the Committee tomorrow, so we will have the opportunity to ask her some questions.

MR MAXIM TIRANT

She may be in a better position to clarify procedures.

HON DAVID PIERRE

I understand. But I would like to further ask you something with respect to number 1, whereby payments were made without proper documents. In 2.5 on page 54 of the report, the department replied that the supporting documents may have been incorrectly filed. He further added that where in the future payments are made on an advance basis against pro-forma invoices, original invoices, original invoices will be sought prior to any payment being effected. Now, if the documents were improperly filed as the report suggests, what is, tell us if you can, what is the current situation with regards to payments?

MR MAXIM TIRANT

Well, I cannot be specific but I suppose she would have addressed the situation as reflected in the report but I cannot be very exact on what exactly is the situation.

HON DAVID PIERRE

She will be asked those questions tomorrow.

MR MAXIM TIRANT

If I may add, even the purchases of 598, I am not aware what was purchased; I don't think it was in my time.

HON DAVID PIERRE

You have been Superintendent for?

MR MAXIM TIRANT

I started in February 2010.

HON CHARLES DE COMMARMOND

But this is the 2010 report right?

MR MARC BENSTRONG

And the audit was for a 12 month period ending 30th June 2010 so, when the audit was being done he had just been appointed.

HON DAVID PIERRE

Honorable Barbe?

HON NICHOLE BARBE

Good afternoon, I am referring to 2010 report, page 55, the issue of transport, 3.2 and 3.4. Vehicle logbooks not properly maintained and also fuel consumption for vehicles not calculated. And my question is, has the situation been redressed regarding transport?

MR MAXIM TIRANT

My answer is that to some extent yes but the problem with the prisons at this time is that we have inadequate staff, especially people that is able to manage in these areas. We are trying to address this to the full, hopefully, with the new recruitment we will be able to get the right persons in these posts so that they can assist the prison management in addressing issues in many areas, especially you know you have staff using transport that will not complete their mileage sheets and of course their vehicle log books, so on and so forth, but I have assigned recently my Chief

Inspector Daniel Dogley to cater for the issue of fuel and managing logbooks and mileage sheets but again he is bogged down with so many other issues because I am really starved of appropriate management team. My staff, I would not even consider it a skeleton staff, basically it is myself, now I have Mr. Thurbin as the Deputy and then it is Dogley and Ernesta, they are the 2 chief inspectors which is grossly inadequate to manage all these prisons, and senior management are bogged down with petty little things even as drivers. For example, this afternoon I had to have Dogley carry Sopha to the Supreme Court, I mean somebody that is dependant and will guarantee that he does not escape and all that. So, myself I am even taking staff home and all of that, so it is a crisis management at the prisons on a daily basis until we can resolve.

HON DAVID PIERRE

Have you requested for additional staff?

MR MAXIM TIRANT

Yes we have unfortunately, it has been very difficult, for example, I have one of my Chief Inspectors who passed away in December last year and nobody has even cared to apply for the post. I have got 2 of these posts and in fact, in expanding the prison structure, we have about 6 of these posts and nobody seems to want to come and do the job, so it has been very difficult. In terms of resources all around in prison, basic prison staff, to Counselors, to Senior Managers, nobody seems to be forthcoming on this. But we have a new package now, a salary review which was supposed to have come into effect on the 1st of July but this hasn't happened yet, we are still having some hurdles to overcome with the Ministry of Finance and hopefully this will alleviate the problem at least we can get a few applications.

HON DAVID PIERRE

When do you expect to start with the new package?

MR MAXIM TIRANT

Well, I expect that by September they should come into effect because right now the prison is functioning with only about 50 local staff and a contingent of 50 Gurkhas which is spread over Marie Louise, Coetivy and Montagne Posee and it is grossly inadequate. For example, if it is relevant here, just for the male prison the existing one, I mean the old prison the male block, we are supposed to operate with minimum of 16.

HON DAVID PIERRE

You are talking of Montagne Posee now?

MR MAXIM TIRANT

Yes, the main Montagne Posee block which is a 2 storey building and we are supposed to, from all expert advice, run this prison with a minimum staff of 16 and on a good day we can get 5. And they are all, I would say 95% have not even been trained, so it is a very serious situation. For example, I also operated Coetivy with only 2 staff to cater for over 18 inmates.

HON DAVID PIERRE

How many inmates do you have in Coetivy?

MR MAXIM TIRANT

Right now I think we have some that have come down for medical but I have got about 75 at this time, at least I have got 4 inmates, I mean 4 staff members there but again it is proving even more difficult to get people to work of Marie Louise and Coetivy, nobody wants to go there.

HON DAVID PIERRE

How many inmates on Marie Louise?

MR MAXIM TIRANT

Marie Louise we have 20 at this time.

HON DAVID PIERRE

How many staff?

MR MAXIM TIRANT

Well, at least it has got, I will say more staff than Coetivy in the sense maybe in the context of the category of inmates that we have up there. So, they have got a contingence of 9 Gurkhas now and 3 locals.

HON DAVID PIERRE

Honorable Arnephy?

HON BERNARD ARNEPHY

Thank you Mr. Chair. Based on what you have told us you are about to put into place a new salary scale for your staff and it seems that you have high staff turnover, so have the prisons embarked onto, I don't know, a survey to see why you have such high staff turnover and why is it that people are not willing to take up posts available within the Prisons Department.

MR MAXIM TIRANT

I think there are many reasons as to why people do not want to come and work in a prison environment. Definitely it is a very demanding environment, a very risky one for that matter, and of course it is as per prison subculture staff will be pressured by inmates especially in the context of Montagne Posee Prisons. I have seen, I mean I have been around and I have had the privilege of visiting numerous prisons, international prisons and unfortunately for Montagne Posee it is a sad affair, the structure is a nightmare. As we speak, work is being done to alleviate the problem by segregating the floors and reversing the cells and all of that. So, the minute somebody steps in there, you either have to connive with inmates or you are pressured out. This

is the main factors, and so it has not been helpful maybe by the prison authorities previously of having newsflash with weapons being taken out of the prison and all of that, so people definitely will feel threatened to come and work in such an environment. But I think with our strategic plan in progress now, we are addressing all these issues to try and get people to understand that prison environment can be as safe as any other work place provided we get it right, provided there is a structure, it is addressed and proper training is given to staff, etc. We are trying very hard to get this sorted out, we have been sending our staff, I think we have been lucky enough to get some assistance from UNODC. We have sent 6 of our staff to Isle of Wight Prisons for 3 weeks.

HON DAVID PIERRE

To where?

MR MAXIM TIRANT

Isle of Wight Prison in the UK. We have been able to send some to some seminars and whatever to Kenya and Uganda and I think I have another one coming for Uganda soon and we want to try and through bilateral corporation maybe get some help from Mauritius. I think the academic ability of my staff is another complicated issue, I think Mauritius will be the best place for us to seek assistance because, then you know academically I think other foreign venues is proving to be very difficult because I think their contribution will not be or whatever they will gain will not be as I would wish because some of my staff are not even trainable for that matter. It is only a question of getting boots on the ground and it has been a sort of hiring and firing because of the corruption and all of that. And the problem is, our training manual will soon be ready but even then training

people becomes difficult, because we cannot have a proper class at any time because right now if you would want to know, prison staff working night shift is the same prison staff going to do the escorts in the morning. So, they are over stretched, ok we have got maybe 5 to come and do the nightshift and the same 5 will have to go down in the morning up to maybe well after 1pm and they have to come back in the evening again to complete their 2 days nightshift. And this is the big issue now with overtime and all that with finance. That is why we are proposing now to have a sort of commuted allowance for overtime as opposed to what we are paying now.

HON DAVID PIERRE

But they do get overtime, don't they?

MR MAXIM TIRANT

Yes, at least they get the overtime, but again like I have said they are stretched and they are not relevant when it comes to it.

HON DAVID PIERRE

Honorable Pillay?

HON SEBASTIEN PILLAY

Thank you Mr. Chair, good afternoon Mr. Tirant. I would like to ask you a question in relation to what you have said about overtime and what you have mentioned as your constraints. Has there been any moves by the Department of Prisons to request through the budget coming this year additional funds to cater for whatever you are planning, your strategic plans but also to have this recruitment package you said so that you can attract the right people to come in to the prisons, have you made that move?

MR MAXIM TIRANT

Yes, I think that there have been some approaches to finance to review,

because when I started out there were some posts, I mean the prisons had more posts but then because of the constraints in recruitment then they did away with the post on the argument that whenever I can get people they will sort of review the position. So, I have gone back to them on that, hopefully this will be addressed and the context of overtime now, the issue is that maybe some officers are earning, they think that it has gone overboard in a sense but there is no other way to address it because unless we get the right amount of staff to cater for the escorts.

HON SEBASTIEN PILLAY

In respect of the pays of Officers?

MR MAXIM TIRANT

Yes.

HON SEBASTIEN PILLAY

Not but pay them.

MR MAXIM TIRANT

Yes. So, that is why we have discussed the issue lengthily and I think that the possible solution is to come out with a commuted allowance of R3,000 per staff if they complete the extra hours.

HON SEBASTIEN PILLAY

But one more question, in relation to the post which you had available, you mentioned the senior post which you had available, are those posts funded?

MR MAXIM TIRANT

Yes.

HON SEBASTIEN PILLAY

Because I think under centralized budget management even though the post may be there it doesn't necessarily mean that it is funded, am I correct? It could be there but it is not funded.

MR MARC BENSTRONG

Yes, if the post is funded then the money is there, otherwise if it is not funded then it is another long process whereby it will have to go the Department of Public Administration to get the post.

HON DAVID PIERRE

So, if it is there it would mean it is funded no?

MR MARC BENSTRONG

No, it could be there. Most likely it is there.

HON SEBASTIEN PILLAY

So, in view of that fact, based on that, you can tell us now that you have a very clear picture of which post you have funded and you do have funding for this post should you be able to recruit people.

MR MAXIM TIRANT

I am not sure if we have funding for 2 Chief Inspectors post but I am sure that one, one for the deceased officer I think that the post is still funded, and then I think that I have got one Inspectors post that is still funded and one Sub-Inspector post that is still funded and probably about 6 other posts at a lower level that is still funded. Otherwise Finance has sort of frozen all the posts.

HON CHARLES DE COMMARMOND

I just want to ask Mr. Tirant if for example they have considered recruiting some of the ex-prison staff for example, like Mr. Laurence at Bel Air. He has got experience, he is a pensioner.

HON DAVID PIERRE

He is about 63 no?

HON CHARLES DE COMMARMOND

Yes but maybe he can help in the meantime. What about recruiting some more Gurkhas and also recruiting ...

HON DAVID PIERRE

Not popular is it?

MR MAXIM TIRANT

Anyway I have my own views about Gurkhas, I feel free to express it.

HON CHARLES DE COMMARMOND

Or ex-convicts for example, let us say we have some good ex-convicts, they came out of prison and they have changed maybe I don't know.

HON DAVID PIERRE

Once they get the smell of prison they go back there.

HON CHARLES DE COMMARMOND

I don't know, I am just asking for his views.

MR MAXIM TIRANT

Anyway, I think when it comes to Gurkhas for example I have expressed my concern to the Minister about their recruitment procedures of Gurkhas. They can be a nightmare in many areas especially in communications because they are not fluent in English and I have got only 2 that can barely manage. And so, you find that too many times you give them instructions and they will simply say yes, I think they have been trained to say yes and then you find that they are not delivering and I think that Gurkhas needs to be trained. We just cannot pick anybody by the road side in Nepal and bring them in. I suppose to some extent maybe the prison authority should be involved on the recruitment process as opposed to now, which my understanding is that an Irish officer goes to Nepal and picks up anybody and just dumps them here. And I suppose the police is encountering the same problems like

the prisons at this time, so, they are not that relevant really.

HON CHARLES DE COMMARMOND

What about the ex-convicts or ex-prison officers?

MR MAXIM TIRANT

Ex-convicts, maybe they can be very selective but then again it is not my final decision. It would entail the Minister's involvement but for example, I can give you an idea, let us take Pierre from your district, Frederick Pierre an ex-police officer. I think that the offence that he has been involved with is not that relevant, I think if I had my way I would have gotten him on board as a prison officer. In fact, I am trying to get him now released on licensed package that he will work for IDC until the expiry of his sentence. However, this is one good example but there are not many but when it comes to guys like Mr. Laurence I must honestly say he is a burnout and he is not relevant to today's actuality in terms of the 'pti men' as we know them.

HON DAVID PIERRE

Honorable Arnephy?

HON BERNARD ARNEPHY

I wanted to ask something in regards to the Gurkhas and the local prison security officers, maybe if you say that most of those Gurkhas they are proven to be not so relevant because of course when you are dealing with issues with prisoners, hardcore prisoners and what not language is very important. So, can you enlighten us a bit on the package that is being offered to a Gurkha compared to a local prison officer, so is it not this which is deterring the locals from taking up the posts?

MR MAXIM TIRANT

Well, I think this has been a national argument when you hear and read from

the media, but just to give you an idea, but initially, until of late, initially a Gurkha Supervisor would earn more than myself, because they are paid \$1500 and they get free everything, they barely buy anything from their pocket, maybe a soft drink or something.

HON BERNARD ARNEPHY

\$1500 U.S?

MR MAXIM TIRANT

\$1500 yes and a common guard will get \$1200, so when you translate this into rupees a Gurkhas Supervisor was earning more than the Superintendent himself.

HON DAVID PIERRE

So, basically they get \$1500.

MR MAXIM TIRANT

And everything, they get housing and free meals, from breakfast across the board.

HON DAVID PIERRE

But no other allowances?

MR MAXIM TIRANT

No, no other allowances and in terms of their relevance, I think until such time that we can train them to work in a prison proper, their only effectiveness would be in external security and this is why even though we have Gurkhas they are only confined to external security.

HON DAVID PIERRE

That would be the salary for a supervisor? The Gurkhas.

MR MAXIM TIRANT

The Gurkhas, \$1500 would be for the supervisor and then \$1200 for the remaining officers.

HON BERNARD ARNEPHY

And has the prison authority for instance tried to make proposal to Government for instance to recruit, from what I have heard is that for instance in Mauritius, their prison system is quite

MR MAXIM TIRANT

I have visited in Mauritius and I am very close to one of the Senior Officers.

HON BERNARD ARNEPHY

Maybe to recruit from the region, Mauritius and in the meantime to sort of help out.

MR MAXIM TIRANT

I am trying on a personal basis to try and get something into action but unfortunately when Minister Morgan went there with the police to solicit some assistance the prisons were left out, I wasn't aware of this, I would have asked him maybe to consider this but this is on the table now to try and see if we can get some help from Mauritius, because like I have said decent people are there to train especially the quality of my staff there would be more interaction, they would be more involved in the training because they can resort to the Creole language as opposed to other venues.

HON DAVID PIERRE

You said earlier that you are working on a new package, right? And is it consistent with what the Gurkhas are getting?

MR MAXIM TIRANT

No, definitely it is far from that but at least it is something, anything is better than nothing, but at least it is somewhere close, something on par with the police, because again it is proving to be difficult. The police is recruiting, the army is recruiting, security firms are recruiting, hotels are recruiting. So what is left is what comes

to the prisons and too many times when you interview these people you find that they have been to 5 or more jobs prior to coming to the prison for a job. And definitely when you look at this criteria definitely they are not suitable and it has proven very difficult because it has been a policy of more or less hire and fire, because they come in and the next thing you know they are involved in corrupt practices especially bringing in money, mobiles, drugs and cigarettes. And again it is normal but that is not an excuse really, the problem is that they tend to say ok, we are not being paid well so the idea is if cigarettes is selling R100 a piece in the prisons, ok, a staff will bring in a packet of 10 cigarettes and he gets R500 for this, so, you can imagine the scope of the problem.

HON BERNARD ARNEPHY

So, I remember at one point you were receiving assistance from the military police, is this still the case?

MR MAXIM TIRANT

Military Police. No, from the outset when I came in, I think the idea the Minister proposed that he would ask the military police to go in and sweep the prison from drugs to weapons etc. So, what happened is on the eve of my going in, there was this operation and thereafter it was maintained for some time and I think 3 months down the road this was discontinued and I have been on my own more or less, except I get some police support to transfer inmates to and from outdoor appointments especially courts and hospitals, but I have not been involved with any military exchanges thereafter.

HON BERNARD ARNEPHY

But do you think this is something that could be requested?

MR MAXIM TIRANT

Well yes and no because I would prefer we recruit our own staff because then it entails a lot of issues bringing in the military, because prisons should be civilianized place, we should not even involve the police as far as we can do away with them, because police involvement should only be upon my request under section 13, occasional when I don't have the sufficient staff to go around. But too many times police involvement has been detrimental and it undermines the authority of the Superintendent as recommended by the Commission of Inquiry when they had major disturbances I think where dogs bit somebody etc etc. Because people come in without the knowledge of prison work, so rather than assist you they mess it up, and especially you know when you come in with an aggressive attitude from the military and all that it doesn't help really. It can only be helpful like I have said for external security. For the Ghurkhas maybe if we cannot recruit locally, if we get them in and train them to be but they have to have the fluency in English so that they can interact with inmates you see. This is the big problem.

HON DAVID PIERRE

So, you don't have any hope of recruiting enough Seychellois with the new package, even if it is going to be a new package it is not sufficient basically?

MR MAXIM TIRANT

No, I think there is a need to revisit it again but so far we can understand the financial constraint of Government and all that. Hopefully if there is an improvement we will be pushing for a review.

HON DAVID PIERRE

But if there are financial constraints then why are we paying the Gurkhas so much money?

MR MAXIM TIRANT

I note the point.

HON CHARLES DE COMMARMOND

We note it as well.

MR MAXIM TIRANT

But like I have said, Gurkhas may not be that relevant throughout even for the police, even for the prisons or other organizations except for external security but specific areas, I mean some areas can easily be filled by the local. For the prisons I can say that at least I am comfortable at night when the prison is locked down because I will leave the prison maybe earliest 6.30, I guarantee that everything is ok before I leave the premises because I know if I don't then something should happen and I reassure the staff, because maybe you know with 5 staff going in at times only 3 women and 2 male staff to manage over 500 inmates in there, you can imagine the Seychellois inmates are well behaved, because otherwise nobody will go in there. That is why having 3 floors to manage with 5 staff is mission impossible, so, that is why it is proving difficult for example to eliminate especially mobiles inside the prison. But we have now a new consignment of jamming devices going in, but still I think it will be a problem because the proximity of the Cable & Wireless main station up there, so we can sort of eliminate Airtel calls but not necessarily the Cable, because at some point in the prisons occasionally people can get calls, so they know the timing and all that. Of course we have a big seizure of mobiles throughout but it keeps coming back, I hope with the installation of the new devices maybe we can.

HON DAVID PIERRE

Because here in the Assembly, we can cut communication in the Chamber, even outside if you want. So, if you get

the new devices then you should be able to at least cut communication.

MR MAXIM TIRANT

Like I have said, I hope it does but again the proximity because the signal from the main station is much more powerful, so it is not easy.

HON SEBASTIEN PILLAY

But also, you should be able yourself to communicate with the outside in case of emergency.

HON CHARLES DE COMMARMOND

That is one, but also not to interfere too much with Bonne Espoir.

MR MAXIM TIRANT

But Cable & Wireless has even complained before, we had another set of jammers and they kept coming back at us to say that their clients are complaining because we are jamming their signals. It is a big issue. But anyway, the issue of mobiles I think with the segregation of floors and reversing of cells, and then managing the floor as opposed to managing three floors maybe then we can curtail everything to about 98% if not 100%, because I don't think any prison in the world has been able to curtail mobiles 100%.

HON SEBASTIEN PILLAY

How long do you suppose this new reverting of the structure of the prison would take and when will it be completed?

MR MAXIM TIRANT

Well, I think we are progressing quite well lately. Allied Builders has managed to address at least 2 thirds of the top floor, now they are on the first floor and they should be finished, again it is 2 thirds of the first floor so they should be moving by next week on the ground floor and then go back on the top floor

because maybe it is important for you to know that the prisons the way I see it is an illegal building because it had no fire escapes and no housing so many people, imagine the nightmare at national level if a fire ever took place in there. But I feel relieved now that at least one staircase is in place and the other one is supposed to kick off anytime this week, so I think that by December.

HON DAVID PIERRE

How did planning approve the construction of such a building?

MR MAXIM TIRANT

That is a question mark. It has been there for so many years and nobody has ever addressed it and likewise for the restructuring of the building itself and segregating the floors. This again makes it easier for any eventuality, any emergencies.

HON DAVID PIERRE

Yes Honorable Arnephy?

HON BERNARD ARNEPHY

I don't know if it is within our mandate maybe we could visit the prison.

HON CHARLES DE COMMARMOND

I was thinking the same thing.

HON BERNARD ARNEPHY

Because this is an area where we as a Committee and Members of Parliament need to push for funds.

HON CHARLES DE COMMARMOND

Yes I agree with you.

MR MAXIM TIRANT

I will welcome that, I will be very happy to take you inside the prison if I have to and I can guarantee you that you should feel comfortable, I mean everybody has been inside there, there has been no trick whatsoever.

Especially at this time if I may add, as we speak the prison population is 605.

HON DAVID PIERRE

Altogether?

MR MAXIM TIRANT

As we speak now, 101 Somalis but the rest are Seychellois and I suppose by September we will be the country with most people behind bars per head, yes and that is not healthy for our tourism industry and all that. So, that is why we have to consider so many things as we progress with the prison system.

HON SEBASTIEN PILLAY

One more question, what happens to the inmates whilst there is this renovation going on?

MR MAXIM TIRANT

Exactly, this is another nightmare but what is happening now, for example in addressing one floor, I lose 84 beds. So, to compensate I am using an open area where we call the quarantine area, where I am housing 50 and then I am using the clinic area where I house about 12 and then I have some extra people in the section especially with the Somalians, I have put in extra beds for me to be able to cater so everybody gets at least a decent bed to sleep on.

HON SEBASTIEN PILLAY

Are they partitioned or is it an open-plan?

MR MAXIM TIRANT

The quarantine area is like a dormitory, it is an open area but normally prisons are made up of sections. One each floor now we will have, once the work is done, we will have 5 sections as opposed to 6, and each section will house 34 inmates. Initially it was made up of 6 cells and the main centre section was made up of 14 cells and each cell has 3 beds, this is the way it

was made up. So, each cell will have 3 sleeping places in there.

HON CHARLES DE COMMARMOND

But now it will be what? Same?

MR MAXIM TIRANT

Nothing changes in terms of beddings except that there is a reversing of cells. For example, if you enter the prisons as an officer or a visitor you would go past the main gate and into the prisons, then there is the staircase going up, then once you hit the second floor it is a similar arrangement and you keep going up. And then you hit the dead end because there was no staircase. Unfortunately, the center section looking at this from this angle, the doors to the cell and the section was open facing in. So, the guard has to go right through all these inmates, right? And then you have to come back through them, for example, if you are dealing with some disturbances or seizing a mobile then you have a big difficulty going back. They can prevent you going back for that matter, so it was very unsafe. Now what has happened is out of the 16 sections, there was 8 to one side then the wing sections, so what we have done is block and create an alley way that would allow, a safe corridor for the staff to patrol. So on each wing, 4 cells have been allocated to each wing so that means that out of the 16, 4 has gone this way, 4 that way like this. So, it is now a safe corridor for the staff to patrol, so, when you visit I can explain this very clearly. And then the deployment would be at least 5 staff per floor as opposed to what is happening now. Now what you have is maybe 4, 5 staff coming for nights. And sometimes you cannot blame them, they will tend to confine themselves to the guard room as opposed to patrolling the floors because they feel very unsafe especially with everybody loose on the floors.

HON CHARLES DE COMMARMOND

But they do not lock?

MR MAXIM TIRANT

No, the prison is locked down, we lock at section level at 10.

HON CHARLES DE COMMARMOND

Why not at the cell?

MR MAXIM TIRANT

No, cell level they are locked but after 10. For example we lock the prison at section level by 9, and then thereafter after 10.30 if there is a sort of program on television that they would be allowed to watch provided there is good behavior, compliance then I allow. So, they would watch over a football match or special telenovela, because then it becomes a hassle if you have to push anybody, because when I took over the prison there was only one television set and they had to go down to the area where we call the library and then it was a hassle getting everybody on 3 floors back into their cells. What I did, is when I got in there I placed a television set for each section, so they are locked down at section level so they can watch over television and after the program they will be locked down in their respective cells, that is the way it is operated. But after renovation, after all the works are done only ground floor will be allowed sort of freedom, because most of the ground floor will be occupied by inmates doing industry. So that means inmates working in the kitchen, garden and wherever. They will be housed downstairs so that it won't be a hassle and it will be a safe area for staff, because then there is only one place to go to get everybody out and do their prison chores as opposed to now, you have to fish around on the 3 floors. And then the structural issues will address legal obligations, we have legal obligations for example, classification of inmates, segregation of inmates, we

have fire safety issues and so many other legal obligations you see. So, the restructuring of the building now will allow for all this to happen, and like I am saying we can have an isolation cell. Imagine now as we speak there is nowhere to isolate anybody in that prison, so somebody creates havoc and what do you do? Because the only thing you can do is place him back in his cell in the respective section and he has the support you cannot isolate anybody, and then if you are as it is now, fully booked, then it is a hassle because then this guy has to come out for shower, he has to come out for food, he has to come out for toiletries. So, it is a big issue and then it is where the staff are being bullied you know, being right there upstairs and this person is physically more stronger than the guards and they can bully the staff so the next thing you know, I have ordered that this person be kept in his cell and the next thing you know he will be roaming the floors again because nobody can sort of sort him out. Now that we have the new block at least I have some relief because I can transfer the person to the new block as a sort of an isolation exercise, but in the main prison it is terrible.

HON DAVID PIERRE

So, when can we visit the prison?

MR MAXIM TIRANT

Well, as soon as you would wish to come.

HON CHARLES DE COMMARMOND

We will organize.

MR MAXIM TIRANT

Maybe I would suggest that you just give a note to the Minister that you intend to do this.

HON SEBASTIEN PILLAY

We have one more question, in relation to this issue of the video link that has been established in the Montagne Posee Prison and the Supreme Court. This arose out of the Auditor General's report which you have in front of you and it starts on page 55, 3.4, it relates to fuel consumption for vehicles which were not being calculated. And accordingly the Department replied that this would be addressed and it also mentions that the Department hopes to produce a video link between the Montagne Posee Prison and the Supreme Court to reduce transport costs in the case of remands. Now, where are you with this, what is the status of the project to set up a video link between Montagne Posee Prison and the Supreme Court? And I gather from your answer with all the reverting going on in the prison that this has not been done.

MR MAXIM TIRANT

The video link? This is something that I have proposed but I think we have been stalled on this, it is dragging and I think I recall not so long ago I had an audience with Mr. Michel and he was very favorable towards this video link issue, but it is stalled now but we want to try it now as part of the strategic plan exercise we want to sort of get it reactivated. I don't think it is that costly when I sort of examine the prospect of this but somehow it has stalled and there is nobody to really pursue it, that has been the main...

HON SEBASTIEN PILLAY

What would be the obvious benefit of having this video link?

MR MAXIM TIRANT

Well, benefits towards the prisons would be, for example in the security area it will benefit the prison because sparring inmates up and down and you know at least at the back of my mind at

all times that one day we will experience an escape with a van full of inmates going down and something will happen on the way and the whole group of inmates, maybe sometimes we are catering for about 20 at a time in a van. So, it entails a lot of expenses in the context of having to pay extra staff or pay overtime to bring people down for just renewing remand issue, just to extend the 14 days and you are taking a big risk bringing people up and down, and also it entails cost in fuel consumption. Montagne Posee is steep and going up and down with a van full of people.

HON SEBASTIEN PILLAY

In your experience with prisons elsewhere around the world, is this the practice nowadays?

MR MAXIM TIRANT

Yes, it is practice even Mauritius it is practice, but then of course initially I feel that maybe we expect some objections from the bar because they will have to sometimes be involved with their clients up the hill as opposed to being down there or something like that. But I did inspect the Mauritian video link system and I think it worked well for them.

HON SEBASTIEN PILLAY

But then what Constitutional provision has to be amended, or perhaps with the have you considered going to the AG's office perhaps to request for assistance?

MR MAXIM TIRANT

It has been mentioned to the AG, technically I think there is some, I am not sure about the legislation proper but I think to some extent it is allowed now for witnesses to testify over video. Now it is only a question of linking the system to the prisons as opposed to you know somebody.

HON DAVID PIERRE

Do you think the bar should be part of the decision?

MR MAXIM TIRANT

Well since they are active partners in the criminal justice system, I think they have a big stake in it because they are the ones really involved with the clients, and I think they need to have their input in this.

HON DAVID PIERRE

But have they been consulted?

MR MAXIM TIRANT

I don't think to a large extent no, but this was mentioned, at least I took it up with Mr. Bonte a while back to try and get this process going, but again I think the courts and the Bar Association is the key players I this.

HON DAVID PIERRE

Yes, but they are not involved.

MR MAXIM TIRANT

It was proposed as a sort of partnership, maybe we should co-fund the scheme, the project itself. The idea was for the prisons and the Judiciary to co-fund the...

HON DAVID PIERRE

What did the Judiciary say about it?

MR MAXIM TIRANT

Well they haven't come back yet on this again, Mr. Bonte said that he would take it up. I mentioned it with the C.J a couple of times in some gatherings, but then nothing has materialized, but I think it is an area where we need to focus and try and implement in the near future because then it alleviates a lot of issues for the prisons.

HON DAVID PIERRE

How much do you reckon your Department will save on an annual basis, if this is projected?

MR MAXIM TIRANT

Well, I am not that good with figures but I think it will save a lot in the context of logistics and I mean staffing itself, the fuel, and the wear and tear of vehicles, time consuming yes. And especially the prison is evolving and like I have said it will sort of, when we contain outdoor appointments, that is why I am pressing very hard now to get a dental service, physiotherapy service, and of course the big issue now also revolving around permanent doctor for the prison. Imagine we have over 600 people in there and we have only 2 half days per week. Anyway, I was given a doctor on a permanent basis but now circumstances have changed again. So, when you sort of do away with outdoor appointments at least 98% of it, it is definitely there is a lot to gain in there. Imagine a mass escape just because you have to ferry people up and down, because these people will be getting more organized especially now with the prospect of serving longer sentences. I suppose they will be discussing this and the prospect of something happening in the future is very likely, and we have to be on top of it especially in the way they are escorted, it is very vague there is not enough security going around. And you can see if you just care to stop by the court precinct you will notice how badly managed these inmates are by my own guards and the police for that matter. So, I think there is a need that is why I was trying to convince the system that we need a proper area within the court precinct to hold these people, what is referred to as a holding area because right now there is too many contamination, and this is where the most illegal actions take place, because inmates are carrying stuff into the

prison through their orifice and it is the most common practice. So barely anybody goes down and comes back without something in their orifice, and there is nothing really you can do except just last week I think on the 8th, I was provided with credible information and I managed to get this guy to sit in my office and have it come out using a suppository and we got 10 small packages of heroin from there. But this is nothing as compared to the amount of cigarettes and whatever that you can take from somebody's orifice I can guarantee you, you can have more than 10 packets of 10 from there.

MR MAXIM TIRANT

They wrap it in cling film, they will sort of compress it and wrap it in cling film and then they shove it in, and there is nothing you can do, even if you have dogs it wouldn't help, but it is a big hassle I mean we will flood the health authorities with bringing everybody in there unless you have specific information but sometimes there is collusion with the staff even they know or they have been paid to let it go. So, it is difficult.

HON BERNARD ARNEPHY

It is a big problem.

MR MAXIM TIRANT

So this is where all the contamination will be done away with, if we had some sort of indoor arrangements whereby there is no need to ferry. Sometimes the remands spend over 3 years in there and I have got quite a group with over 1 year, imagine every 14 days them going down which is just for the sake of extending the remand. Sometimes they get to court late and this has already taken place and it is not that relevant, although it is a right to some extent legally but if we had this arrangement maybe that will be done away with, and

that will be less strain for the police and the prison authorities definitely.

HON DAVID PIERRE

Any other questions?

HON CHARLES DE COMMARMOND

Just to retrace what Mr. Tirant has told us and we have to do something.

MR MAXIM TIRANT

I suppose yes, I think this exercise is needed and especially remember Mr. De Commarmond I mentioned some time ago MNAs also should be involved in knowing, for example MNAs and DAs, this has been my point, they should know how many of their people at district level is in the prison and what they can do really. I think this will be a very positive development, why are they up there for that matter? So, this will guide you to address social issues in your district knowing you know if know, if you look at the trend carefully and then of course how will you be able to help them, as part of their rehabilitation process when they are up there and when they come out. Right now most people are sort of confused as to how many.

HON DAVID PIERRE

Do you have any rehabilitation program for the prison?

MR MAXIM TIRANT

Yes we have something in place, we have quite a lot of activities taking place vocationally but it is not the extent that I would wish. But right now we are building on capacity for example we want to put in a proper, I am doing my own vehicles. Across the board, in my time the prisons I have saved the government a lot of money because we are doing our own plumbing, our own mechanical maintenance, we are doing all the welding works and quite a lot. But we want this extended at least

somebody can have a certificate. I have bought 10 computers and we want to bring ALDEC back to try and give some vocational and academic training you know to enhance on all of this, but there is quite a bit, I mean I have now 5 sewing machines, industrial sewing machines so that we can at least stitch our own uniform and whatever. But the thing is we need to broaden this because the problem with Montagne Posee it is the infrastructure that is the problem, there is not much space to put up anything. Every time you have to come up with putting anything into place you need an excavator to clear the site and it is not that relevant you know. The prison site is not that relevant unfortunately, and there has been rumors about that this thing is going to be taken away. Of course not, the money that is being spent up there, it is very unlikely.

HON DAVID PIERRE

But do you plan to expend Coetivy and Marie Louise?

MR MAXIM TIRANT

Well I think now the thing is we are in the process of extending Coetivy by renovating what we call the hatchery area, there is a warehouse there, and the Minister has proposed maybe we put 180 into that facility so in order to do away with overcrowding because this is the nightmare of all prisons worldwide. Overcrowding will bring along so many other criminal activities inside the prison, so that is something to worry about, and hopefully Coetivy will become that safety valve, but what I am confused is at times I am being told that we won't be there for long and that we will have to go, fall back somewhere, I don't know where that somewhere is, maybe we will be there for a short stay or maximum 2, 3 years and then what? Is it worth investing that much money out there and then

you have to leave the island? Why not find something that will be for the long term.

HON DAVID PIERRE

What about Marie Louise?

MR MAXIM TIRANT

Marie Louise, my personal observation is that Marie Louise may not be the most idea location unless it is for a very limited prison population, because what do you do on Marie Louise? It is small and it is I think a nature reserve sort of set up and there is barely anything you can do. So, having too big a population what do you do with them; what will they do in terms of work?

HON DAVID PIERRE

What would you recommend in terms of an island for example, which one would be ideal?

MR MAXIM TIRANT

I haven't seen the place but I mean interacting with people from IDC especially Mr. Stravens, we have Providence which is at this time abandoned sort of following the cyclone whatever that happened there, but there is big prospect for agriculture and fishing especially. You know we can have inmates do the fishing and it can be very productive and the prisons can sustain itself with the money that can be made from there, I think in terms of livestock and fishing and farming as opposed to Marie Louise is not relevant in this area. So, even Coetivy like I have said, if we are to put in so many inmates and spend money building these infrastructures and then we have to pull out because they have hotel projects going on there, the question is, is it a wise decision?

HON CHARLES DE COMMARMOND

Has it started?

MR MAXIM TIRANT

No, it is in the process of getting done. I think just last week the engineers and whatever have been up there to come up with the final solution for it, but I don't think in my personal opinion it may be the best solution if we have to pull out. It will be a good solution because Coetivy is big and there are a lot of prospects, but if we have to pull out then I don't think that the exercise is worthwhile. That is my personal opinion. Anyway, I will be more than happy to let you visit the prisons and you will see exactly the day to day activities.

HON DAVID PIERRE

Very good, and it remains for the Committee to thank you very much for appearing before us and answering our questions. We will be in contact with respect to the visit.

MR MAXIM TIRANT

Thank you.

HON CHARLES DE COMMARMOND

We wish you courage.

MR MAXIM TIRANT

I need all the help I can get, so if your visit will provide some relief and support that would be very encouraging, because my mandate expires in January so I should be on leave in November.