

EQUAL IN THE EYES OF THE LAW
POLICE BRUTALITY AND THE ABUSE OF HUMAN RIGHTS IN THE REPUBLIC
OF MAURITIUS

A REPORT ON BEHALF OF THE ISLAMIC HUMAN RIGHTS COMMISSION IN
LONDON, UK
May 2001

I have prepared this report following a one week fact finding mission to the Republic of Mauritius having been asked to attend as an independent observing member of the English Bar by the Islamic Human Rights Commission. In preparing this report I have had the opportunity to meet various persons in the Republic of Mauritius: both members of the Bar who have had clients whose constitutional rights have been abused, as well as those Lawyers who have been placed under unwarranted and highly unacceptable pressures from the authorities to prevent them from carrying out their task of representing their clients interests fearlessly and to the best of their ability. Further I have had the opportunity to meet members of the medical profession who have dealt with the aftermath of alleged torture. Further I have had the opportunity to meet the victims of human rights violations as well as their families. Finally I have been able to meet the Attorney General of the Republic of Mauritius who had kindly taken a hour of his valuable time to allow me the privilege of meeting him, and Chief Inspector Radhoa a police officer who along with members of his unit have been accused of some of the worst human rights abuses.

Despite the hectic schedule of meetings I do not profess to have seen every aspect of the human rights situation in the Republic of Mauritius. However I have with the kind cooperation of everyone especially Mr Rama Valayden without whom I would not have had the opportunity of gaining as broad a picture as I have been able to gain.

This report will comprise of summaries of meetings I had with the various persons that I met as well as specific instances of human rights violations, in particular the death in custody of Kaya, the torture of Cehl Meeah (also known as Mohammed Cehl Fakemeeah), and the degrading and inhuman treatment that Mr Maurice Toste was subjected to.

It must be emphasised at this stage that this report is not written from the point of view that the western writer has a moral superiority over the relevant authorities in the Republic of Mauritius and nor is it meant to do anything more than act for the benefit of the citizens of that country. On one visit I was informed that the Secretary of State Madeleine Albright had commended the human rights record of Mauritius. That may have some comparative truth to it, since whatever the authorities of Mauritius have tolerated so far it will never be as appalling as the mass murder of 13 million Native Americans, 500 years of Slavery and the dropping of Atomic Bombs on Hiroshima and Nagasaki resulting in a war crime which killed 200,000 Japanese Citizens. However, the standards that Mauritius must be judged by are the standards that judge the person by what is right, moral and humane rather than the arbitrary perceptions of any individual.

It became clear by the end of the visit that the fault could not lie with any particular individual but had to be attributed to a rotten system of policing and law enforcement, which attempts to remedy its deficiencies by attempting to extract confessions at all costs.

Having been invited as a practising barrister, my area of specific interest was inevitably the criminal justice system and also the other aspects of law enforcement. I therefore do not profess that this report is a comprehensive report on all aspects of society in Mauritius. It does not deal with aspects of rights that pertain to private law rights such as the rights of women, or employees, but the rights of the citizen vis a vis the state in relation to his or her constitutional rights.

The Republic of Mauritius under Chapter II of the constitution has enforced a charter, which is in substance based upon the European Convention of Human Rights and Fundamental Freedoms. The constitution in Mauritius in particular guarantees the right to life, liberty, and protection from inhuman treatment, and provision to secure the protection of the law. However having spoken to various lawyers as well as Chief Inspector Radhoa it is clear that in relation to many of the suspects who come before the criminal justice system these various protections remain only on paper. There has been a concerted attempt to undermine the rights guaranteed by the constitution by various members of the police force under the protection of the political authorities.

The Criminal Justice System at Work

Rights to Personal Liberty

Although Clause 5 of Chapter II guarantees the right to personal liberty - which cannot be taken away except in certain defined circumstances - this right is overlooked on many occasions. Under 5(1)(e) a suspect may only be arrested if there is reasonable suspicion that he has committed, or about to commit a criminal offence. However it appears from having spoken to Chief Inspector Radhoa as well as many of the members of the bar, that in practice the police, having a certain theory on the offence that has taken place based on whims rather than evidence, would simply round up as many persons as possible and attempt to obtain the evidence from them. According to Chief Inspector Radhoa he “doesn’t need evidence and all that bullshit” - if he had to build his case and arrest persons on evidence then no one would ever be arrested or convicted in the country. His theory of arrest involves him identifying a person he believes to be guilty, detaining him or her and then “making him feel uncomfortable” so that he eventually obtains his confession.

Further to facilitate the process of obtaining confessions the police often do not tell the ‘suspects’ what they have been arrested for contrary to Clause 5(2). The ‘suspect’, is often kept incommunicado from his or her family as well as lawyers for several hours if not days to facilitate the confession obtaining process, again contrary to Clause 5(4). In the case of Cehl Meeah he was abducted from Port Louis by Chief Inspector Radhoa who in an attempt to prevent Cehl’s lawyer from discovering where he was being taken, had used the back entrance to smuggle him out to CID headquarters in Cuire Pipe where despite Cehl’s request for his legal right to have a lawyer he was held incommunicado. Meanwhile, Cehl’s defence lawyer was being distracted by the officers in Port Louis or sent on various wild goose chases. To make matters worse, rather than being brought to Court in Port Louis the next day where his lawyer was expecting his detention to have been authorised, he was taken somewhere else so that he could not meet his defence lawyer. Again this was for the purpose of keeping his whereabouts secret. Having had his detention authorised by the Magistrate for a further 7 days Cehl Meeah was kept incommunicado for several days until he was eventually taken to hospital by the police who had feared that he was going to die.

The logic of holding prisoners incommunicado and depriving them of their rights to legal representation was justified by Chief Inspector Radhoa on the basis that if the family know they will get the suspect a lawyer. According to the chief inspector lawyers are corrupt and they try and finish the case in the police station not the court so that they can make more money. "The lawyers will advise their clients to say nothing and the police having no other evidence other than a confession will be forced to drop the case." Chief Inspector Radhoa was honest enough to admit that without a confession the police simply cannot obtain a conviction.

Certainly Chief Inspector Radhoa confirms the fact that the practice of keeping potential and actual defendants incommunicado - denying them access to lawyers until a relevant confession is obtained - prevails throughout the police force. This continues in violation of the constitution and has, according to Chief Inspector Radhoa, been encouraged and accepted by the Government of the Republic of Mauritius whose backing he enjoys. Chief Inspector Radhoa has every reason to feel confident in what he does despite the fact that he is behaving illegally. Since the allegations of torture and brutality have been levelled against him, he has been decorated by the President and been promoted to the rank of Chief Inspector.

Protection From Inhuman Treatment

Whilst Clause 7 of the Constitution prohibits the use of torture, inhuman or degrading punishment or other such treatment, according to the lawyers, doctors, low ranking police officers and ordinary members of the public use of torture in police custody is widespread. According to Rama Valayden as well as other members of the legal profession, torture is so rife that on average one person dies in police custody every five weeks. Most incidents of police brutality resulting in serious injury or death are examined by the Police Medical Examiner who often reports what the injury is but is careful not to attribute the cause to any action taken by the Police. Very often the cause of death is simply reported as natural causes, as had happened in the case of Kaya who had died in police custody in 1999. To make matters worse, not many doctors in the country are prepared to honestly expose the facts about the injuries suffered by detainees for fear of their careers being jeopardised. Many families are made to accept that their children have died naturally despite the fact that many have gone into custody in a very good state of health. The police also have the advantage that in many cases of death the victims may be cremated. Therefore the evidence against them is often destroyed.

Commenting on the case of Kaya, Dr Modon poured scorn on the government enquiry that found he died of natural causes. He points out that although Kaya was a healthy young man, he still died in custody. The examination carried out by the police doctor was, in his opinion, a joke. He and a French pathologist Dr Ramstein concluded having examined the brain that Kaya was brutalised. Despite claiming that he had carried out a thorough examination, the police doctor had failed to examine the brain. Dr Ramstein, Dr Modon and a government pathologist Dr Oogaraa after examining the body discovered that there was a big infarct in the brain, which was the cause of death. The Police Medical Examiner subsequently wrote a report saying that Kaya suffered a head injury. However he does not say how it happened or the possible cause of such an injury. His report deliberately does not deal with the suspected cause of the head injury and is deliberately vague and non-informative. Dr Modon and Dr Ramstein are still probing the cause of death of Kaya and they are of the opinion that he was traumatised and brutalised whilst in police custody, resulting in his death.

Similar in circumstances to the death of Kaya, is the case of Yvon Regis Rehaut and a young Creole man in custody Eddy La Brosse who both died in police custody, the former in December 1996 and the latter in 1992. In the latter case Dr Modon was working in Saudi Arabia. On reading the newspapers he thought that Eddy could not have died of natural causes as was suggested by the Police Medical Examiner. He returned to Mauritius, exhumed the body and discovered injuries inconsistent with the conclusion that Eddy died a natural death. Eddy had been picked up by police and taken into custody where he eventually died. Dr. Modon found evidence that indicated that prior to death Eddy was tortured. The family of Eddy La Brosse had wanted an independent autopsy and had not therefore decided to cremate him. Had he been cremated, like so many others, then the matter would have ended without further possibility of investigation.

The culture of torture has become a matter of routine. Even if the police are not trying to extract a confession by ill-treatment of suspects, they appear nonetheless to physically mistreat and inflict violence on them. One lawyer had a client who was beaten up for a road traffic offence.

Prior to a recent judgement declaring the practice unconstitutional, one could previously be imprisoned for non payment of civil debt. However, recently a client of Mr Tikanand Mukund Gujadhur whom he asked me to refer to as LV for legal reasons, was arrested for civil debt taken to Vacoass police station, then transferred to Beau Basin prison. LV was arrested on 2 February 2001. On 9 February he was transferred to the Geetoo Hospital on request of the prison doctor. The doctor at the hospital said he was suffering from a left side paralysis which the prison doctor said was due to an alcoholic state, but when he reached hospital there was a revised diagnosis of stroke. However, there is clear evidence of medical negligence at hospital as well as prison malpractice. When admitted to hospital he was diagnosed as a victim of stroke. However they did not decide to perform a CT Scan until one day after his admission which showed a very large haemorrhage. He was later transferred to SSRN hospital where he underwent an operation to evacuate the haematoma. At the operation the surgeon noted that LV suffered from a linear skull fracture, for which he had to undergo a second operation.

LV's family decided to consult a private doctor who came to see him and later wrote to the Ministry of Health to get access to the medical notes from their doctor. It took them three days to get access to the ministry's doctor and his notes. The Plaintiff's medical expert having seen the notes came to the conclusion that the haemorrhage could only have been caused by a traumatic blow consistent with a heavy battering. The fracture and type of haemorrhage could not have been caused spontaneously as has been claimed by the prison authorities and supported by the prison and subsequent ministry of health doctors. That line of defence was absurd in light of the fact that LV was a young man who was in great health when he went into custody. He was 37 years old, well built and married. How could a young healthy person suffer such a fate after going into custody? The Plaintiff's medical expert says the blow must have been extremely violent to have caused the skull fracture and the haemorrhage. The presence of a fracture on its own, which was not there prior to him going into custody, is evidence of a violent blow to the skull by a blunt object. LV's barrister Mr Gujadhur has written to the Commissioner of the Police asking for an enquiry but has not received a reply two months after the assault. In these two months this healthy well built young man has been turned into a bed ridden bag of bones. Unfortunately LV does not remember anything more than the fact that he was sitting on a stool, then waking up at the hospital.

However the most disturbing recent phenomena in The Republic of Mauritius has been the creation and the role of Chief Inspector Radhoa who according to himself

enjoys the full backing of the Prime Minister. He is now a self-styled 'Robocop' of Mauritius acting throughout the Island, rather than adhering to the legally accepted norm of investigating crimes only within his district. He, according to himself, is a professional in making suspects talk. He could not tell me the exact details of what he or his officers did to make the suspects magically confess to their crime as he did not wish to incriminate himself. However, he did make it clear that he did not like the use of the term brutality, preferring to call whatever he and his officers do as making the suspects uncomfortable. To some extent I found Mr Radhoa selectively frank, with him understandably not wishing to incriminate himself.

Recently Mr Radhoa has been implicated in the most grotesque acts of torture and inhuman and degrading treatment, especially in the case of Cehl Meeah. Mr Meeah was arrested on what can be best described as suspect evidence of two witnesses one of whom was paid RS 240,000 by Deputy Prime Minister Paul Berenger in 1996 (according to press interviews and reports) after carrying out killings in Ghora Issac Street for which Mr Meeah is now accused of masterminding. In fact if one looks at motives and suspicions there is a stronger case against Berenger for the killings than there is against Meeah, which was acknowledged by Chief Inspector Radhoa who said that he would love to question Mr Berenger in relation to the killings and the harbouring of Tourab Bissassau, but cannot because of his political power.

In December Mr Meeah had voluntarily attended the police station with his lawyer to help the police investigate the killings in Ghora Issac Street in 1996. He attended knowing full well that there were accusations being made against him that he had given the orders for the killings. On arrival Mr Meeah's lawyer was then told to leave as the police were not ready to interview his client yet. A few hours passed during which Chief Inspector Radhoa arrived. In order to avoid Mr Meeah's lawyer who had arrived at the front reception (after not being called by the police) the police kidnapped Mr Meeah using the back door and took him to Cure Pipe Police Station and then on to CID headquarters at Vacoas. There Mr Meeah's ill-treatment commenced, with attempts at extracting a confession to implicate himself in the killings. The beatings lasted for several hours - unfortunately for Mr Radhoa and his men, Mr Meeah had to be produced in court the next day. In order to keep Mr Meeah's whereabouts secret to prevent his lawyer coming to the police station he was not produced before the Magistrates in Port Louis as is required by the law. Mr Meeah complained to the Justices that he was ill-treated and the magistrates asked that he be taken to a doctor to investigate the allegation before his further remand for 7 days.

The officers including Mr Radhoa thereafter decided to teach Mr Meeah a lesson for complaining to the magistrates, telling him that they now had seven days with which to torture him. What happened thereafter is described in great detail by Mr Meeah who had made a 69 page statement about the officers. The beatings were extremely violent with up to eight officers being involved, including beating with weapons and kicking Mr Meeah whilst he was on the floor. Mr Meeah was subjected to sexual assaults, his penis being burnt with a cigarette and a metal object inserted up his anus which had caused severe damage to that part of his anatomy. The torture and inhuman treatment continued for several days and went as far as forcing Mr Meeah to break his fast during the month of Ramadan by drinking the urine of the police officers. All the time the officers involved including Chief Inspector Radhoa, were ordering Mr Meeah to say that he told Mr Bissassau and Mr Uzir "Faire Bismillah Allez Tue"¹ which he continued to deny. The beatings were so severe that one of the officers named in Mr Meeah's Statement walked out in disgust saying that the

¹ Translation: "Bismillah go and kill."

beatings should halt as Mr Meeah was close to death. He said that he wanted to play no part in this act of barbarity and if that was what policing was all about then he wanted no part in such a police force. That account was corroborated by the named police officer phoning one of Mr Meeah's associates confirming what had happened to Mr Meeah and indicating that he had no part to play in the torture so much so that he wanted to resign from the police force in disgust at what was happening.

Mr Meeah's torture was so bad that the officers involved thought he was going to die and therefore decided to immediately take him to the local hospital. Thereafter they transferred him to the Jawaharlal Nehru Hospital, where he was in a critical condition suffering from inter alia four broken ribs. The police and the government doctor had prevented both Mr Meeah's lawyers and doctors from gaining access to him. It appears that there was an attempt to cover up the exact magnitude of Mr Meeah's torture, with both the police and the doctors attempting to gain time to allow Mr Meeah's extensive bruising as well as damage to his genital area to subside. The tactic had worked and by the time that Mr Meeah's lawyers and Dr Modon had attended much of the injuries caused by the torture had subsided but the broken ribs could not heal in time.

Thereafter the police force and the government attempted to put up what can be rightly described as the most incredulous explanation as to Mr Meeah's fate in custody that one could possibly imagine. The pathetic attempt to exculpate themselves from the torture meted out against Mr Meeah was based on the alleged acts of Mr Bissessau, another prisoner. It was claimed that Mr Meeah was attacked by Mr Bissessau who despite being handcuffed still managed to beat him up for about five to ten minutes in the presence of the police officers who had arranged the confrontation between the two men. However that explanation is completely at odds with the version of events that Chief Inspector Radhoa had told myself. Chief Inspector Radhoa insisted that he was at the confrontation between Mr Meeah and Mr Bissessau, and when the latter attempted to attack Mr Meeah he immediately jumped in to separate them and prevent any assault. Asked to explain the broken ribs in light of his explanation of the events Mr Radhoa says that the claim of broken ribs are simply lies and he has video evidence to show Mr Meeah was doing press ups at the same time as he was feigning injury. What Mr Radhoa found difficult to grasp was the fact that the claim of broken ribs was according to the Police Medical examiner who had examined Mr Meeah and had an interest in keeping the extent of Mr Meeah's injuries to a bare minimum. Clearly the inconsistencies in the versions of the various government agencies is a damning indictment of their attempts to cover up the torture that Mr Meeah had suffered, no doubt on the orders of the authorities including possibly the current government whom Mr Radhoa says has given him their full backing. The account of Mr Meeah is detailed and credible. The credibility is enhanced by the fact that Mr Modon was not allowed to visit Mr Meeah for ten days, and when he was finally given access, he was not given access to the medical notes of the Police Medical Examiner nor was he allowed to examine his client in private. He did not examine the private parts of Mr Meeah as he not only thought the injuries would have healed due to the passage of time, but he also did not want to subject Mr Meeah, who is deeply religious, to the humiliation of such an examination in front of some twenty persons including inter alia police officers.

Speaking to Mr Emmanuel Leung Shing, Attorney General of Mauritius, his claim that everyone gets their fair share in Mauritius whether Muslim, Creole or white, I came to realise by the end of my visit to be very true. Everyone in Mauritius has had their fair share of police brutality, whether Muslim, Creole or white. That was emphasised by the arrest and ill-treatment of Maurice Toste. He was accused of the murder of Vanessa Lageusse but had been released the day before I departed. I could

therefore not meet him personally, although his Counsel Mr Maxime Sauzier the former chairman of the Bar was kind enough to take some time out to meet me. He was very disturbed as to the lack of accountability that now existed in the policing in Mauritius.

He is disturbed by the fact that the government has given Chief Inspector Radhoa a free hand and by the fact that despite the mounting evidence of criminal behaviour on his and his team's part, he has been promoted and decorated by the government. Mr Sauzier was angry at the manner in which Mr Toste had been treated which included being beaten, made to stand on ice for some half an hour and being subjected to racial abuse. He was sure that the tactics were a deliberate attempt to put pressure on an old man with a heart condition to obtain a confession in a case where the police had no evidence. Further he was angered by the fact that Radhoa, who had no business in investigating the case as it was not within his jurisdiction, had immediately stolen the case file and arrested Mr and Mrs Toste. He then used various prohibited measures including mental torture, food and sleep deprivation in addition to physical and racial abuse. Mr Sauzier is astonished that Chief Inspector Radhoa has not been suspended or even investigated for his criminal behaviour.

Right to a Fair Trial

Clause 10 provides provisions to secure the protection of the law, and again it is based upon Article 6 of the European Convention of Human Rights. However the provisions in a lot of cases remain on paper. The right to a fair trial becomes meaningless with police officers continuously leaking often distorted versions of events to the press who immediately go to print with the materials provided. In a small island like Mauritius where potential Jury members read the papers and discuss the cases, it is impossible for a Defendant to be judged by his peers who approach the case without having had their minds made up by all the adverse publicity.

That practice was particularly used in the case of Cehl Meeah. All the lawyers I spoke to whether involved in his defence or otherwise were of the opinion that Mr Meeah could not receive a fair trial due to the bad media coverage. The severity of the damage done to Mr Meeah's case was best summed up by Jacques Panglose of Counsel, who said there is not a single person in Mauritius who does not believe as a result of the press that Mr Meeah is guilty, and that even if the jury was made up of twelve Muslims they would still convict him before having to listen to the evidence.

That view was echoed by the wife of one of the victims of the murders in Ghora Issac Street, which Mr Meeah is accused of masterminding. She said that there was no chance that Mr Meeah could have a fair trial, nor did she believe that the prosecution's allegations are true in light of the fact that one witness was a fugitive paid by the Deputy Prime Minister. She was of the view that whatever happens she will never know the truth about who was responsible for the death of her husband. Even Mr Radhoa acknowledged that Mr Meeah may not be able to have a fair trial but felt angry that his investigation may be sunk by the bad press publicity. He was, however, quick to point out that although the police including some of his officers were responsible for some of the bad publicity, he was not involved. However so much so was he confident of his case that he suggested, and indeed welcomed, the idea that Mr Meeah should be tried by a foreign Judge and Jury in Mauritius.

Aside from trial by the press, the police often use intimidation, inducements and blackmail to enhance their case. If they fear that their case maybe undermined they will use intimidation against the lawyers to prevent them from defending their clients. Marion Helene, a barrister, was manhandled when representing one of his clients at

CID headquarters in Vacoas. He claims that the men, having seen their senior officer Radhoa being rewarded for his behaviour, have decided to follow suit.

Blackmail is used to prevent lawyers acting on a certain case. In the case of Cehl Meeah, Mr Yussof Mohammed SC had been the target of veiled threats from Radhoa to leave the case and investigation of Mr Meeah's torture, or else his son would be dragged into the Ghora Issac case. Despite his standing Mr Mohammed is very gloomy about the future of the legal justice system in Mauritius. He himself took the warnings on board and had no further role to play with the case of Cehl Meeah.

Apart from the intimidation of the lawyers the police would also blackmail Defendants. In the absence of evidence against any particular persons the police would simply round up a number of persons and split them into two groups. With one group they would go to the individuals and promise that they would charge them with lesser offences if they would make statements implicating persons whom they do not even know of committing serious offences. That tactic was used in the case of Cehl Meeah where Messrs Bissessau and Uzeer have been promised protection with star witness status for the prosecution, and a possible immunity from prosecution.

The practice of manipulation and forcible manufacture of evidence through torture and blackmail of suspects was all too apparent in the investigation of the arson of the Amical Casino gaming club. The police simply rounded up 50 people and split them into two groups. One group they decided to approach had the 'fortune' of being told by the police that if they make statements against individuals in the second group they will be prosecuted for arson rather than arson causing death. Many, for fear of being prosecuted for an offence carrying a sentence of 40 years, decided to take up the offer.

Ashraf Ally Doodhoo was unfortunate enough to have been placed in the group whom the police decided were to be pursued for arson causing death. He was implicated in the Amical Casino arson attack one month after the fire had taken place. The police arrived at 9am on Monday 29th July 1999 and arrested him without telling him the reason for his arrest. In the initial stages he was not asked about the fire but about the activities of Cehl Meeah with whom he was associated. Thereafter they started to beat him whilst he was handcuffed in a rear stack position, punching and kicking him. His lawyer was only allowed to see him at 10 pm Wednesday after his arrest. Up to the time when his lawyer arrived he thought that the police simply wanted to know what had happened at Cehl Meeah's meetings. His lawyer Marion Helene then asked him where he was at the time of the arson attack on Amical Casino on the night of 23rd May 99 to which he said he was at his brother's wedding. Mr Helene could immediately see that his client was beaten up and told him to make a statement. He was then taken to hospital where the doctor wanted him to be kept under observation. The police refused, preferring to take him back to CID headquarters where he was further beaten and charged 7 days later with arson causing death. He refused to make a statement falsely accusing Cehl Meeah of ordering the attack on Amical.

The police then set up a confrontation with one witness who was beaten up by the police and threatened that he would be accused of arson causing death if he did not identify Mr Doodhoo. The witness then falsely placed Mr Doodhoo at the scene despite the fact that he was at his brother's wedding, and five members of his family had made statements confirming that fact. At the preliminary enquiry his accuser had retracted his statement in front of the Magistrate but he was still kept in custody for a further 10 months before the case was discontinued by the prosecution. To make matters worse for the prosecution, the Director of Public Prosecution refused his

lawyer's request for his release despite there no longer being any evidence against him.

Later that afternoon I met Mr Doodhoo's accuser Iqbal Mohammed Uzzir. He confirmed that he was arrested in relation to the Amical arson. The police thereafter proceeded to beat him up, punching and kicking him. He was told to confess to his part in the arson. He was also told to implicate certain people some of whom he did not even know with the fire. When he denied any knowledge in the incident or those whom the police wanted implicated, he was further kicked and punched, and warned that if he did not implicate others he would be charged with arson causing death. If he cooperated with them he would only be charged with arson and he would be given bail. Eventually Mr Uzzir decided to cooperate as he was so tired and in such pain he wanted to do anything for the beating to stop. He made a statement confessing to his role. He was thereafter given identification cards by the police belonging to various people whom they wanted him to identify as being involved in setting fire to Amical Casino. In all, he was forced to falsely implicate 7 persons including Mr Doodhoo. During all this period Mr Uzzir was kept incommunicado away from his family and lawyer. He was relieved to be kept in custody as that actually prevented the police from further torturing him. He retracted all that he said in court and gave the details of what the police had done. Yet despite what the police officers had done, not one of them was suspended, investigated or charged.

Later in the visit I met some of the families of those who have been convicted of torching Amical. They are adamant that their sons are innocent and have pleaded for international pressure to be put upon the government of Mauritius to rectify this miscarriage of justice. Discussing the case with Chief Inspector Radhoa he said that the police officers had mishandled the investigation of the fire at Amical. He is sure that there are those who were involved still walking the streets. Asked if there were innocent persons currently serving prison sentences in relation to the Amical case when they were innocent, Chief Inspector Radhoa said that the only reason why he could not say this, was the fact was that it would seem as if he did not have any confidence in the judicial system. However, when one takes into account what Chief Inspector Radhoa had said earlier, he did speak as if he had no confidence in the judicial system. Further it is clear from the experiences of Messrs Uzzir and Doodhoo, who both spent in excess of thirteen months in custody for the Amical arson when they had both been innocent, that there are persons currently serving life sentences for a crime they did not commit.

It is clear that in relation to the case of the arson in Amical that the case should be re-opened, as it is being vociferously canvassed by several of the defence lawyers who represented the victims of the bungled investigation by the police, as has been acknowledged by Chief Inspector Radhoa. Even more disturbing in high profile cases such as the Cehl Meeah case, there is often political manipulation and intervention in the investigation as well as the trial process, in an attempt to achieve the desired result to all parties rather than justice. That manipulation was used by a close ally of Deputy Prime Minister Berenger by the name of Mr Ghulfi, who had on the orders of his party leader paid several persons to make false witness statements after the Ghora Issac murders implicating Cehl Meeah in the murders. Although now Mr Ghulfi is being investigated for his actions, the investigation will go no higher than Mr Ghulfi and will certainly not, by what Chief Inspector Radhoa had said, scrutinise the actions of a member of the current government.

Conclusions and Recommendations

It is clear that there are currently gross human rights violations being carried out in the Republic of Mauritius by the police force and that this is being done, if not on the orders of the government, at least with its approval, in that they have failed to intervene to stop and prevent this unconstitutional behaviour. There is significant evidence of torture, cruel, degrading and inhuman treatment being meted out against persons in police detention, mostly for the purpose of obtaining confessions in the absence of any other evidence. It is believed that currently one person dies every five weeks in police custody as a result of police brutality. The figure is derived from various lawyers interviewed as well as Dr Modon. In some cases police foul play is exposed, but the majority of cases remain unknown due to the cremation of the bodies as well as the fact that the Police Medical examiner in deference to his employers cites natural causes as a cause of death. It is currently very easy to cover up deaths as a result of police torture due to the fact that there is now no independent system whereby a coroner investigates the cause of a person's death. The investigations into the death of Kaya are simply incredulous and an insult to one's intelligence. In an attempt to try to minimise the damage caused by Dr Ramstein by casting doubt as to his professional credentials, the police and official investigators base their retractions on the fact that he had not registered a second time with the relevant professional body in Mauritius that overlooks the medical profession.

Dr Modon is correct when he suggests that it is now time to set up a system of an independent coroner who would investigate the deaths of persons in police custody. However it not clear whether that system would ever be set up as according to most of the people I had spoken to, there now exists a culture of brutality which is now not only being appeased but also encouraged by the government of Mauritius. The culture of torture stems in part from the fact that the police are simply overworked, under paid and deficient in training and resources. Under pressure to solve crime the police simply attempt to obtain 'evidence' if necessary by torture.

Disturbingly many of the complaints have not lead to any significant action being taken against the relevant officers against whom there is evidence of criminal conduct. In relation to the most disgusting act of torture, inhuman and degrading treatment one could possibly imagine, Chief Inspector Radhoa has not been suspended or investigated and is unlikely to be ever prosecuted. On the contrary despite the consistency of the allegations made by Mr Meeah and the inconsistency in the police's case there seems to be no prospect of any prosecution taking place for the torture of Mr Meeah. If the authorities are serious about upholding the constitutional rights then they should now proceed to prosecute Chief Inspector Radhoa amongst others, as there is certainly a prima facie case against them for causing grievous bodily harm with intent, if not attempted murder. International pressure should be brought to bear upon the Government of Mauritius to carry out serious investigation into the murder of Kaya and the attempted murder of Cehl Meeah and bring to justice those who are responsible, rather than reward them.

Further, the international community should keep the situation under very close observation using the various human rights agencies as although the rich, famous and powerful are often protected by their public standing, the average person does not have such a privilege. Cehl Meeah and Kaya have drawn international attention because they are well known. However there are currently hundreds of victims of police torture who are suffering in silence because they are neither rich, nor famous. For the sake of the ordinary citizen of Mauritius, the back of the evil culture of torture needs to be broken.

It is also clear that apart from torture by the police there are gross deprivations of suspects and defendants' rights, including the illegal interference in the right of a suspect to be represented by a lawyer when being interviewed in relation to an offence. Further their right to a fair trial is commonly violated, where the police themselves sometimes leak information to the press who would then print highly prejudicial articles against the suspect thereby depriving him of the opportunity of a trial before an uncontaminated jury. This tactic has been specifically used by the police and has been acknowledged by Chief Inspector Radhoa in the case of Cehl Meeah. According to all those lawyers as well as the wife of one of the victims, Mr Meeah simply cannot have a fair trial due to the very damaging press coverage that has been tolerated and partly encouraged by the authorities. In relation to that case there are only two possibilities: the first is simply to stay proceedings on the basis that Mr Meeah cannot have a fair trial; the alternative is to have a judge and jury from the UK as even Chief Inspector Radhoa has suggested.

Most disturbing is the practice of obtaining false evidence and the payment of witnesses for the purposes of skewing the case before the courts in a particular direction. That has again featured in the case of Cehl Meeah, with a close ally of Deputy Prime Minister Berenger currently being investigated for payments to various persons in return for making false witness statements. There needs to be careful international scrutiny on future proceedings and any future possible trial of Cehl Meeah.

It was highly regrettable that the Attorney General felt reluctant to discuss the concerns about torture and the death of Kaya, preferring to discuss the beauty of Beirut and the FA cup semi-final between High Wycombe and Liverpool. However, I understand and respect his reasons for not doing so. His suggestion that he would cooperate with an international human rights investigative body should be tested and one should be established and sent to Mauritius as soon as possible.

Again, it is highly regrettable that my visit to Mr Meeah was obstructed by the Chief of Prisons rumoured to be on the orders of the Attorney General. It is clear that had the conditions of Mr Meeah's imprisonment as well as the other inmates not been open to criticism, they would not have blocked my access. It is recommended that international organisations be allowed unfettered access to the prisons to allow them to investigate the conditions of imprisonment of Mr Meeah as well as others.

It is now vital that the international community, as well as the various other organisations who have portrayed Mauritius as a Paradise Island for foreign tourists, take action to prevent it from becoming a hell for its citizens.

Daneshyar

Osama

Equity Chambers
Birmingham
[1.05.01]

In preparing this report I met with the following persons.

1. Mr Rama Valayden (Barrister at Law)
2. Mr Emmanuel Jean Leung Shing Q.C (Attorney General)
3. Mr Coomara Pyaneandee (Barrister at Law)
4. Mr Marie Jacques Laval Panglose (Avocat a la Cour)
5. Mr Said Toorbuth (Barrister at Law)
6. Mr Rauf Gulbul (Barrister at Law)

7. Mr Tikanand Mukund Gujadhur (Barrister at Law)
8. Mr Marion Helene (Avocat)
9. Mr Maxime Sauzier (Former Chairman of the Bar and Barrister at Law)
10. Mr Yousuf Abdul Razak Mohamed S.C (Barrister at Law)
11. Dr Ramesh Modon FRCS
12. Chief Inspector Radhoa
13. Madam Swahelah Ajooman
14. Mr Ashraf Ally Doodhoo
15. Iqbal Mohamed Uzzir
16. Members of the Press
17. Families of the persons convicted of the Amical arson.

To all those that I had met and to my hosts as well as my guide I am most grateful for kindly tolerating my deficiencies.

First published in Great Britain in 2001
by Islamic Human Rights Commission
PO Box 598, Wembley, HA9 7XH

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Printed in England by Islamic Human Rights Commission

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ISBN 1-903718-02-3