

Police Violence & Torture: Our Demands

**after the 1999 uprising against police brutality, a rebellion that followed the death of Kaya, LALIT, other organizations and human rights campaigners, dedicated lawyers, mobilized victims and survivors of police violence. Set up an organization called JUSTICE, which contributed in its thinking to LALIT's Program below.

Below is a summary of the demands LALIT has mobilized around, as well as the protocols we are militating for various professions to adopt.

1. That the Prime Minister immediately:

- (i) Put an end to the impunity of violent police officers; police officers must no longer be exempt from criminal charges for threatening or swearing at detainees; for hitting, kicking, beating detainees; for using torture on suspects or witnesses;
- (ii) Invite a Special Rapporteur under the *UN Convention Against Torture* to visit Mauritius for the purpose of interviewing victims of torture and of investigating police units, and of reporting publicly on patterns of illegal behavior by police officers and of exposing *modus operandi* of units that routinely torture people;
- (iii) Set up an independent enquiry into the tools of torture (where stored, how acquired, by whom) existing in Government departments, and then find and destroy all these items (e.g. gagoules, sticks, and electric shock tools);
- (iv) Ensure the automatic suspension of officers entrusted with custody at the time of a death in detention, and the prompt arrest of the officers concerned, as is the case with drivers in fatal motor accidents;
- (v) Overhaul the Forensic Department, so that scientific evidence be available for criminal prosecutions, thus nullifying the excuse that brute behavior is supposedly "necessary" so as to extract confessions;
- (vi) Initiate new laws so that:
 - (a) A confession alone no longer be sufficient evidence for a conviction (Revoke section 75 of the Criminal Procedure Act), and that a confession only be admissible as evidence if made before the Judiciary.
 - (b) Police officers are obliged to inform a person whether he or she is being held as a suspect or being called on as a witness, and inform the family of his/her whereabouts at all times.
 - (c) The DPP institute criminal charges against officers-in-charge in cases where injuries have been sustained by a detainee, failing which he must publicly explain the grounds on which he decided not to prosecute, a decision which must be subject to judicial review.
 - (d) Police officers can join unions.
 - (e) The NHRC Act be overhauled so as to democratize the institution and so as to respect the UN principles for national human rights commissions, in particular to establish the NHRC's independence from the Executive (including from the Police) as regards appointment of the Commission, its funding, its enquiring officers, and so as to ensure that it no longer refuses to investigate certain cases of torture, and so that it clearly exposes apparent "*patterns of illegal behavior*" by police units (i.e. the *modus operandi* of the units known to torture people), and thus acts to prevent torture of detainees and witnesses.

2. **Opposition leaders** immediately stop their cries for "law and order" which they bandy about indiscriminately as a political weapon against the Minister of the Interior; these cries become a semblance of a moral "justification" for police violence. **Parliamentarians** must find ways of putting pressure on Government to end torture, and must publicly step in to protect their "mandants" from torture by State Officers.

3. **Professionals** must at once take their responsibility and put a stop to any of their peers perpetrating or colluding in or covering up torture. **The Bar Council** must prepare and issue an "*ethical protocol for lawyers*" on how members should proceed in their professional work, so as to protect their clients from torture. The Council must identify and expose the patterns of torture brought to its notice by members, and be pro-active against torture. It must also protect its members from any interference in their professional work by police officers who they expose as using torture. **The Medical Council**, after the dent to the credibility of medical practitioners in the Rajesh Ramlogun case, must develop an "*ethical protocol for medical practitioners*" on how doctors should work so as to identify and expose any signs of torture of patients who are in the weak position of being in custody, and how to practice their profession so as to avoid colluding with torturers who bring in injured detainees. **Magistrates** (through their monthly meeting) must prepare an "*ethical protocol for magistrates*" on how Magistrates ought to proceed when they become aware, in the course of their work as magistrates, of signs of torture. Until there is a police officers' union, the **Police Welfare Association** must develop a code of conduct for police officers, including protection of members who expose torture by colleagues in the police. **Journalists** must urgently set up a professional body for journalists that can, amongst other things to protect the public, issue an "ethical protocol" to avoid individual professional journalists from either covering up torture or in any other way colluding with torturers..

This Program was adopted by LALIT and also by JUSTICE: Association Against Violence by Officers of the State, in 2007.