Enn konpilasyon liv ki nu propoz dimunn pu lir pu konn laverite lor sulevman Fevriye 1999, e pu gayn enn perspektiv baze lor laverite:

**Liv LALIT**

*Lemet apre Lamor Kaya*, News & Views, Revi LALIT Spesyal lor Sulevman kont Leta an 1999, par LALIT. Pibliye an 1,000 kopi, an Kreol.


**Books published jointly by JUSTICE and the MLF:**

*Kaya’s Death: The Medical Evidence* by Ram Seegobin, 2005 (2,000 copies), republished 2006.

*Kaya’s Death: Law Keepers and Hypocrites* by Jean-Claude Bibi, 2005 (2,000 copies), republished 2006.

**Published by LPT**

*40 Poet*, 2008. A book by 40 different poets in Kreol. Dedicated to Kaya, and includes publication of his “Sant Lamur”.

Surs: Sant Dokimantasyon LALIT
Konpile: Le 7 Mars 2019
Ram Seegobin's succinct evaluation of the medical evidence presented at the Judicial Inquiry into the famous musician, Kaya's death in police custody, helps us realize that the death was not natural. Something that, in their wisdom, young people of Mauritius already knew when they rose in rebellion in February, 1999, causing shock waves in the complacent ruling classes.
A Brief Analysis of the Medical Evidence in the Case of the Death in Police Custody of the Musician, Kaya

Ram Seegobin

JOINT JUSTICE & M.L.F. PUBLICATION
PREFACE BY JUSTICE

It must never be forgotten that the exact causes and circumstances of Kaya's death remain so far unknown. More than seven years after his dead body was found in a police cell at Alcatraz, Line Barracks, the truth has not yet been established. However, the Minister of Justice has announced a Truth Commission.

Since then, others have died. Most recently, Mr. Rajesh Ramlogun died after interrogation by the Major Crime Investigation Team headed by ASP Raddhoa.

We must remember also that mystery, untruths and manipulation of facts still cloud many of the cases of detainees found dead in police custody. (See p. 30 for a provisional list.)

Ram Seegobin's analysis of the "avalanche of medical evidence" submitted in the course of the Judicial Inquiry into the death of Kaya introduces the reader to the mesh, or worse, to
the labyrinth of contradictions that made it seem “impossible” for the truth to emerge. The inescapable conclusion is that the State, through the State Law Office lawyers, was more concerned to defend its agents, whether they are policemen or doctors than to find those against whom charges should be pressed. Barristers privately employed by the police officers gave them a helping hand.

Yet there was ample evidence that Kaya had suffered injuries. All the doctors who examined Kaya’s body acknowledged that his death was due to “shock or violence”. Except for one who never examined his body but was imported from the UK and turned up in Court to attack the counter-autopsy carried out by Dr. Ramstein.

The search for the truth must go on. This booklet explains carefully and soberly the reasons why nothing less than the truth will ever be acceptable. This search is in fact part of the ongoing struggle against all forms of violence by agents of the State.

Jean-Claude Bibi
for JUSTICE

PREFACE BY MUVMAN LIBERASYON FAM

When Kaya’s widow, Veronique Topize, took the decision to seek the truth behind her husband’s death in police custody, MLF took the decision to stand by her. We followed the Judicial Inquiry alongside her. We then held 15 night vigils with flambeau, before participating in the 2004 Olivia Concert, the first after Kaya’s death.

We have circulated this document to the quasi totality of lawyers and doctors, and have sent it to the Minister of Justice to be submitted to the Truth Commission he is setting up.

As a women’s organization dedicated to the full emancipation of women and the total liberation of humanity from patriarchy, we see police violence against detainees as a women’s issue in many ways, including:
* Patriarchy is at its most vile in military, police and prison institutions, where hierarchical macho structures dehumanize both state servants and their victims.
* Women inevitably end up, in practice, picking up the pieces, whether material pieces like finding bail money, or psychological like husbands, brothers, and sons wounded by humiliation.
* Police violence on detainees is comparable in many ways to wife-beating: the isolation of the act, the shame felt by the victim instead of by the perpetrator, the mixture of psychological torture, verbal abuse and physical violence, and the extreme nature of the exactions.

Yet another woman has been affected. Recently widowed by the death of her husband after interrogation by the Raddhoa team, Mrs. Bindoo Ramlogun has, like Veronique Topize, taken on the State. MLF stands with her.

MLF helped to set up JUSTICE. And we are proud to bring out this booklet jointly.

March 2006

A Few Words by Veronique Topize, Kaya’s widow


“Depi Kaya inn mor, mo amenn enn konba pu konn laverite. Mo finn dibut pu dimann laverite. E Muvman Liberasyon Fam, pandan tu sa lane la. E osi finn ena nesan enn lasosyasyon, Justice, e mo ladan.

Lanket Zidisyer lor lamor Kaya inn fini. Ziska ler pankor ena purswit. Bann analiz medikal konfirme
Brief Analysis of the Medical Evidence in the Case of the Death in police custody of the musician, Kaya

The medical evidence presented during the course of the Judicial Inquiry into the death of Reginald Topize is complicated. The famous musician, Kaya, as you know, was found dead in the Alcatraz Police Cells at Line Barracks in the early morning of 21st February, 1999.

During the course of the Inquiry, there were a number of different medical witnesses, and what they said was often contradictory. It is as though the truth about how Kaya met his death is hidden under a veritable avalanche of evidence.
A great deal of medical evidence

In all, there were five different pathologists who gave evidence, plus a neuro-surgeon, and another three medical practitioners brought in to give evidence about the late Kaya's previous medical history.

First there was Dr. Babou Harish Surnam, Police Medical Officer, who carried out the initial autopsy on 21st February, 1999, the day Kaya was found dead in his cell. Then there was Dr. Pravin Kumar Oogarah, Laboratory Pathologist at the Candos Hospital, who studied the brain specimens under microscope in the laboratory. Then there was the Forensic Pathologist, Dr. Jean Paul Ramstein (Médecin Légiste, Expert près de la Cour d'Appel) who did the counter-autopsy on 23rd February for Kaya's widow, Ms. Veronique Topize, an autopsy he conducted in the presence of Dr. Surnam and the neuro-surgeon, Dr. Ramesh Modun. After these four expert witnesses, the Court learnt of a "Witness Statement" made by a certain Dr. Hugh White, a Home Office pathologist from Britain. He had been briefed by the Mauritian Police to analyze Dr. Ramstein's counter-autopsy report, and to appear in Court. He was a close friend of the then Prime Minister Navin Ramgoolam's advisor on police re-organization, Mr. David Shattock. And finally, in August 2001, and at Government of Mauritius' expense, there was Dr. David I. Graham, Professor of Neuropathology at the University of Glasgow, who examined specimens of Kaya's brain tissue in the university laboratory in Scotland, in the presence of Dr. Oogarah and Dr. Modun.

There were other medical practitioners who gave evidence. There was Dr. Rajenparsad Gunnessee, Consultant at the Candos Hospital Burns Unit, who in 1997, or two years prior to Kaya's death, had given a medical report when Kaya had suffered a bad burn to his thigh, when lentils escaped from a pressure cooker, while he was preparing an evening meal. There was a medical doctor Dr. Keyvoobalan Pauvaday, who also saw Kaya in connection with medical complications. And there was Dr. Paramásiven Motay, psychiatrist to whom Kaya was referred when he requested help with a drink problem. So that makes five pathologists plus Dr. Modun, and three other doctors. Nine medical witnesses in all.

Let us turn to other issues surrounding the medical "evidence".

Other issues

The day after Kaya's death 22nd February, 1999, L'Express ran an article which said that Kaya had
died of a “fracture de crane”. The same day the Police put out a communique signed by their Press Officer ASP Gungadin, denying this, saying “The medical evidence shows beyond any doubt that this man [Kaya] did not suffer from any fracture of the skull.” The official communique then added “The Police is in presence of a statement of an independent person indicating that this man’s [Kaya’s] behavior prior to his collapse almost certainly led to his own death.”

And, of course we had to wait for the Judicial Inquiry to know who the mysterious Police Communique’s “independent person” was who would shed light on the cause of Kaya’s death. In turn, this allegation by the “independent person” quoted by the Police in an official communique to the effect that Kaya died as a result of his own “behavior prior to his collapse” was only ever possibly supported by one other piece of evidence: the “diary” from the Burns Unit in 1997 produced by the Candos Hospital staff. So, we will have to look into these two bits of evidence, too.

But let us start with the chronology. It is, in itself, enlightening.

The Chronology & lessons it holds

Dr. Surnam conducted his autopsy on 21st February, the day of Kaya’s death, and Dr. Ramstein did his counter-autopsy two days later, on 23rd February.

Dr. Surnam presented his Report on 11th March. What is important about this date is that Dr Surnam’s report was made public, and even dated, after the publication in the Press of Dr. Ramstein’s counter-autopsy. And what is also strange about this role-reversal is that Dr. Surnam’s report, which is “The Autopsy”, seems to be dedicated to refuting the Dr. Ramstein “Counter-Autopsy”. So, we have the unique situation where the initial autopsy report, when it comes out, is a clear attempt to refute the second autopsy, published on 10th March, the day before.

But let us look at the exact dates so that we can understand other things.

Three days after the 10th March publication in the Press of Dr. Ramstein’s Report (dated 8th March), that is to say on 13th March, Mr. David Shattock, the Prime Minister’s police advisor flies out on an aeroplane to the UK with Dr. Ramstein’s Report in his briefcase. And five days later, we find that his friend, Dr. Hugh White has produced a “witness statement” dated the 18th March, 1999. What Dr. White was asked to do is curious: he was
asked to comment, to make a counter-report, based entirely on one piece of paper, i.e. on Dr. Ramstein’s counter autopsy report.

These dates are unusual in another way. Kaya is found dead on 21st February. On 10th March Dr. Ramstein’s Counter-Report is published, on 11th March Dr. Surnam dates his Autopsy Report, and on the same day the Commissioner of Police meets with the State Law Office to discuss something urgent about the death of Kaya, according to a newspaper article. On 13th March, the Commissioner of Police was in the presence of an overwhelming case for the arrest of the Police Officers Corporal Jean Roland Anne-Marie, and constables Haresh Nepaul and Jeetendranath Ramdin: Four doctors concurred, and this publicly, on the following facts: Kaya’s death was due to a violent blow on the head; Kaya had sustained body injuries in the hours prior to his death; Kaya had been unconscious for some time before his death. In addition to this the police were caught out, by the medical evidence, in a mendacity; ASP Gungadin said that the police officers in charge of the Alcatraz cells had reported that Kaya was “alive and well in cell” at 03.57 am, or just over an hour before he was found dead in his cell. The medical evidence said he was injured and unconscious.

But, instead of the arrests, Mr. Shattock caught a flight to London, to go and fetch Dr. White.

Another important fact is that when Dr. Ramstein’s report came up, that is to say, when the counter-autopsy report came up, all of a sudden there was an objection in Court from Me. Kishore Pertaub, the advocate representing the three police officers who were on duty, when Kaya died, Corp. Jean Roland Anne Marie, and constables Haresh Nepaul and Jeetendranath Ramdin, plus an objection from the advocate representing Dr. Surnam, Me Sidhartha Hawaldar. They said that, on a technical point, Dr. Ramstein’s report should not be tabled.

There is a question that arises here. Why on earth did Dr. Surnam, a public officer, need a private lawyer?

The aim of their objection was, and it worked as we shall see, until the State wanted the objection out of the way: to keep the Ramstein Report as not admissible as evidence in Court.

Dr. Ramstein, they maintained, was not registered with the Medical Council, an institution situated somewhere in Mangalkhan. They maintained this despite the fact that Dr. Ramstein had already done an autopsy in Mauritius and already given expert evidence in a Mauritian Court, in quite high profile cases.
Then, it was only on 23rd August, or to be more precise two days before Dr. White would be brought in from the UK to depone (Dr. White was in the witness box on 25th August), that all of a sudden the Barristers Pertaut and Hawaldar, out of the blue, announced in Court that they were withdrawing their objection to Dr. Ramstein’s Report being laid before the Court. Why? Obviously as part of a rather suddenly thought-up plan to permit Dr. White to comment on Dr. Ramstein’s Report in Court. How could Dr. White comment on the Ramstein Report in Court when the Ramstein Report was not before the Court?

So Mr. Shattock brought Dr. White into the Court.

This gives an idea, to put it mildly, of a certain degree of manipulation of the medical reports.

And it would only be in August 2001, or 2 and a half years later, that Dr. Graham’s neuro-pathological examination and report would be available.

**What is in the medical Reports**

Here is a brief summary:

**Dr. Surnam:** Dr. Surnam listed all the injuries on Kaya’s body. As many as 30.

He also said what was the cause of death. There was a bruise on his forehead towards the left side quite large - 3cm by 2 cm - and the surface of the brain under the same area, that is to say in the front (frontal lobe) towards the left, was injured. He also noted generalized sub-arachnoid hemorrhage, i.e. in the space between the brain and the skull. Thus, he stated that the cause of death was “head injury”.

Dr. Surnam also said that when he went into Cell No 6 where Kaya was found dead and where he had been locked up on his own, he noticed that Kaya had had a profuse nose bleed. There was a trail of dried blood coming from his nose and running across his cheek into his ear, and quite a lot of blood had accumulated behind Kaya’s neck. The first thing to note is that Dr. Surnam said, under oath, that when they went in, they saw Kaya lying flat on his front, face-down. So, how was it that blood had run upward from his nose, past his ear, to accumulate behind the back of his neck?

Dr. Surnam also noted two injuries on Kaya’s back, and he specified that they were injuries that had occurred quite a few hours prior to Kaya’s death. Under the microscope, pathologists can estimate roughly the time of injury, relative to death.

He also said that when he carried out the autopsy, he noticed that Kaya’s liver was paler than normal, and yellow. It is standard practice that if a pathologist finds something abnormal, he
immediately takes a specimen for analysis under microscope. Dr. Surnam, when he performed the autopsy, did not take a specimen of Kaya’s liver.

In his “Conclusions”, Dr. Surnam has a list of 12 points. 5 of the 12 are points that do nothing else other than refute Dr. Ramstein’s Report. “Absence of” this and “absence of” that. To quote one of the five points in extensio: “Absence of finger mark bruising that is absence of evidence of violent gripping.” The autopsy report is thus clearly replying to the counter-autopsy report.

His thesis as to the cause of death runs like this: Kaya was well. He was standing around in his cell. He had a fit, fell forwards, and, knocking his head on the cement floor and suffering a hemorrhage, he died. Dr. Surnam is not interested, for example, to explain any of the injuries he himself says Kaya suffered a number of hours prior to his death.

It is only Dr. Surnam who claims that Kaya had a fit. There were no witnesses. And what is his proof that Kaya had a fit? He says Kaya had his arms folded across his chest in front of him, fists clenched, and Kaya’s tongue was clamped between his teeth. He takes these as signs of a fit. They are not really signs of a fit. When someone dies, there is often a kind of spasm that causes all this, in particular in cases of head injury.

So, Dr. Surnam relies on the report from Dr. Pauvaday (1997, two years prior to Kaya’s death) when Kaya was admitted to the Burns Unit, when during a wound-dressing session, he had what was described as a “fit” and fell off the bed. The only proof of this “fit” was to be found in the 1997 Burns Unit Diary book. But this evidence is very dodgy.

1. The person deponing brought the diary into court as an exhibit. The following was written in it: “c/o fits”. This “c/o” is shorthand for “complains of”. But an in-patient would not “complain of fits”. A patient may “complain of headache”, but he “had fit”. There is something odd about the formulation.

2. The entry “c/o fits” is in ink of another colour from what is on the rest of that part of the Diary. The entry is in another handwriting, too. One does not have to be a handwriting expert to note this. It is obvious. Do we have to add forgery or the fabrication of evidence to what we have seen in this Inquiry?

And as for the “independent person” who the Police, two days after Kaya’s death, claimed was witness to Kaya having died as a result of his own “behavior”. He was not exactly an “independent person”. He was Aubeeluck, another detainee at Alcatraz. He was being held, totally “dependent”,

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in police custody. But, be that as it may, what statement had the police recorded from him just after Kaya’s death? He said that Kaya, when he arrived at Alcatraz did not look very well, he was shaking, and he said to Aubeeluck: “Mo dan bez. Mo enn alcoholik e mo gayn kriz.” In the course of the Judicial Inquiry, Aubeeluck did not confirm this version.

No comment.

In all, as for Dr. Surnam’s evidence, all the facts and observations he makes seem to be noted truthfully and accurately. He noted what he saw. It is just that his conclusions are not corroborated by his own observations.

So we can note that the Autopsy Report was part of the State’s reply to Dr. Ramstein’s Counter-autopsy, on the one hand, and possibly led to erroneous conclusions about Kaya having suffered a fit, on the other.

**Dr. Oogarah:** Dr. Oogarah is the hospital pathologist from Candos Hospital. In his histopathological report he confirmed the injury to the brain and the sub-arachnoid hemorrhage. He also mentioned generalized infarction of the brain (that means that a great deal of brain tissue was dead) and he thought this was the consequence of an event that had occurred a number of hours prior to Kaya’s death. He thought it was severe enough to have made Kaya unconscious for many hours before his death.

The police witnesses, the three officers who were on duty at the time of Kaya’s death, Nepaul, Anne-Marie, Ramdin, said Kaya was well an hour before he was found dead. He had even supposedly been singing two or three hours before he died. They heard him.

This means there is a total contradiction between the medical evidence and the police witnesses.

It is also worth noting that Dr Oogarah’s Report is annexed *in extenso* to Dr. Ramstein’s report, and not to Dr. Surnam’s, when in fact Dr. Oogarah’s examination of the brain was part of the original autopsy. This is just another indication that the Surnam Report waited for the Ramstein counter-autopsy report, before viewing the light of day.

**Dr. Ramstein:** Dr. Ramstein performed the second autopsy, and this was done 48 hours after Kaya’s death. It was performed in the presence of both Dr. Surnam and Dr. Modun. He made more or less the same observations that Dr. Surnam made. Dr. Ramstein added very little in the way of observations. However, his conclusions are very different.
He examined the brain, working together with Dr. Oogarah.

Dr. Ramstein’s conclusions are as follows. There were two kinds of violence that caused Kaya’s death: A blow to the head, on the forehead, which caused an injury and hemorrhage; and the fact that Kaya suffered violent shaking (by the shoulders) or had his head violently pulled backward by the hair.

Dr. Ramstein is categorical that there was violence. All the injuries on Kaya’s body were the result of violence.

The Mr. Shattock and Dr. White episode: When Mr. Shattock introduced Dr. White during the Judicial Inquiry, he described him in a strange way. He said he is one of the greatest experts “in the Western World”.

Mr. Shattock had asked nothing of Dr. White except that he demolish the Ramstein Report. It is important to note that Dr. White neither conducted an autopsy, nor studied any specimens under the microscope. He didn’t even study all the medical evidence. His brief was to study what Dr. Ramstein had written down.

Curiously, even this was very badly done. When asked where he got a copy of Dr. Ramstein’s report to give to Dr. White, Mr. Shattock replied that when it became public, he got a copy off the Internet. He couldn’t remember on what site. Mr. Shattock was allowed to give replies like this, quite unhindered.

When asked if he had given Dr. White the original French version, Mr. Shattock said that Dr. White did not understand French, so he had had the Report translated into English first. When asked who exactly had done the translation, Mr. Shattock said he could not remember. Was it a specialist in pathology or an ordinary medical practitioner, he replies he thought it was an ordinary medical practitioner. When asked if it was Dr. Surnam who had done the translation, he replied that he was 95% certain that it was not Dr. Surnam who had done the translation.

No comment.

So, Mr. Shattock took this bit of paper downloaded from internet, translated by nobody knows who, and took it to Bristol in the UK and gave it to Dr. White with instructions to refute Dr. Ramstein’s Report. So, what Dr. White did was to refute a translation done by an unknown person into English of a document taken from it-is-not-known-what-site on the Internet. The Court allowed this to flow smoothly, as though it was usual practice. The Court never even asked for a copy of the “document” that Dr. White had in his
possession. So, for days the Court sat and listened to “evidence” based on the analysis of a phantom document.

[So, after listening to Dr. White depone, Dr. Ram Seegobin spent a whole night working on what Dr. White had said in Court. On the basis of his notes, he wrote an article for the newspaper, outlining grave issues that came out of what Dr. White had said]:

* There were clear errors in the translation he was working from.
* There was at least one key omission in the translation he was working from.
* There were misinterpretations of Dr. Ramstein’s report.

When the article was published in *Le Mauricien*, the Parquet lawyer objected, and the magistrate gave a warning for Contempt of Court.

But, let us return now to Dr. White’s conclusions. They were as follows: Despite not having seen the body, he said that all the injuries on Kaya’s body were minor. There was no violence, he said. Why did Kaya die? Dr White said he did not know. He said a number of times, and this statement at least was clearly true, that he could only “speculate”. He admitted this himself. He said that he speculated that Kaya was ill, he was an alcoholic, he had fallen about in his cell, knocking into things, had fallen over, lain down and died.

So, Dr White did what he was briefed to do: he contradicted the Ramstein Report. But in doing this he also contradicted what both Dr Surnam, the Police Medical Officer, and Dr.Oogarah, the government hospital pathologist, had said, too.

Dr White, it should be stressed, gave all his testimony under oath.

But, when he came to Court, he was accompanied by a Mauritian Police Officer. The police brought him, through Mr. Shattock, as “their” witness.

And he came to Court, bearing an “offer”. He offered that the Police would plead “negligence”.

All his experience as a Home Office Pathologist in the UK brought him to announce that there was not violence, but negligence. So he offered “negligence”.

It was during this stage in proceedings, when at a certain point there was a moment of tension between Mrs. Veronique Topize and her barrister. She stood up in open court and announced that: “Votre Oner, mo demisyonn mo avoka!”

It was a few days later (the Court did not wait for her to get the services of another lawyer, but continued) that she retained the services of Me. Rex Stephen, to look after her interests.
And this brings us to a few years later, to Dr. Graham.

Dr. Graham: Following a letter that Widow Véronique Topize, through her lawyer, sent to the new Prime Minister, Sir Aneerood Jugnauth, in which she mentioned an electoral promise he had made to help find out the truth behind Kaya’s death, the Prime Minister took a decision for the State to send Kaya’s brain, which had been preserved by the doctors, for further scientific analysis in Scotland. That was duly done in August, 2001.

Dr. Graham, the expert neuro-pathologist, made the following findings:
* There was no indication that Kaya’s brain had in any way been affected by drugs or alcohol.
* There was irrefutable proof that a violent shock had damaged Kaya’s brain and led to his death.
* There had not been the generalized infarction that Dr. Oogarah had described and that had made him believe that Kaya had been unconscious for a number of hours prior to his death. In fact, the tissue degeneration was something that had occurred, as a natural process, after death.

Conclusion

Dr. Surnam’s conclusion that Kaya had had a fit, fallen, hit his head & died, was based on 3 things:

1. What had happened two years prior to Kaya’s death when he had fallen from a hospital bed while having a painful burn injury dressed. All this is a bit dubious when one studies the diary entry “c/o fits”, bearing in mind that it does not make sense for anyone to write this, that the hand-writing is different and the ink a different colour. The words are also squashed into the end of an existing line.
2. There was supposed to be an “independent person” who would appear as witness. He never materialized. The person who did materialize was neither “independent” nor really a “witness” at all.
3. The signs that Dr. Surnam saw (fists clenched, hands crossed, teeth clamped) are just not convincing. They are not signs of a fit, but of quite a common process that takes place during someone’s dying moments.

Dr. Surnam also ignores important elements of things he himself saw.

1. Kaya’s feet were both jammed so hard, as a result of the cell door having been closed on them, that they had the marks of the bottom edge of the door imprinted onto the soles. It is impossible that after he had died, he could have jammed his feet under an already closed cell door. The photographs show this clearly, as well. Is it not the case that Kaya was projected into his cell, and the cell door closed after
him, jamming his feet under the door?

2. Kaya’s nose bled before he died. When his body was found, he was face downward. And yet there is a clear mark of blood from his nose to his ear, and blood had accumulated behind his head and in his hair behind his head. There is no way that a hemorrhage could cause blood to rise upwards against the very laws of gravity.

3. Dr. Surnam chooses to ignore all the quite serious injuries on Kaya’s back, which he himself says Kaya received some hours before his death. How could a fit and fall have caused these back injuries?

By way of conclusion, it needs to be mentioned that Dr. Surnam is an employee of the Police force. He is a Police Medical Officer, and not a state hospital doctor. He is not independent. Firstly, he takes his orders from the Commissioner of Police. It is a conflict of interest that he should conduct the autopsy in a case where a colleague, a fellow police officer, could potentially be accused.

Secondly, he acts as the family doctor who looks after police officers and their families, when they have health problems. A police officer having trouble with insomnia, for example, goes for advice and help to the Police Medical Officer. This puts the PMO into an ethically difficult position. He has to be loyal to his patient, and maintain professional reserve about what he knows about his patient.

The findings of the Judicial Inquiry, based on what the DPP told Kaya’s widow that Magistrate Kam Sing had informed him, were that there is no “foul play”.

For this to be the case, it implies that the Magistrate was totally influenced by the evidence given by Dr. White. He is the only doctor who had said there was no foul play. All the others had said there was some form of injury due to violence.

There were altogether six doctors who were involved.

Five of them said that death was due to a shock or violence.

Only Dr. White, who never examined the body or studied any specimens under the microscope, said the death was natural (illness) and that there had been police negligence.

The quest for the truth must continue, despite what the Magistrate’s findings may say.

Note: This is an English translation of a speech given by Dr. Ram Seegobin, 6 December, 2003 at the JUSTICE public forum to mark HUMAN RIGHTS DAY. It was at the Mother Earth Hall in the Ledikasyon pu Travayer Building in Port Louis. The translation has been checked by Dr. Seegobin.
List of deaths in Detention since 1979

This list has been compiled by Lalit, and is not yet complete. Please inform Justice of any other case you may know of.

Those who have died in police detention since 1979

1. RAMLOGUN, Rajesh (2006)
2. JEEBODH, Rangit (2005)
3. EDMOND, Geogry (2005)
5. BABOORAM, Steve (2004)
6. DAVID, Jean Clifford (2002)
7. BAYARAM, Josian Kirsley (2001)
8. NANCY, Vijay (2001)
9. MUTHY, Yousoof Mohamad Nadim (2001)
10. DUMAZEL, Lorlene (2001)
11. ARMAND, Louis Rosario (2001)
13. KAYA, Reginald Topize (1999)
14. JACQUOTTE, Clency (1999)
15. BOZELLE, Marc Clifford (1999)
17. GAUD, Philippe Hervé (1998)
18. RAMLOLL, Joy Kissoon (1998)
20. ARMOOGUM, Cyril (1998)
22. RAMDEWAR, Angoo (1996)
23. TORUL, Mahendranath (1995)
24. NANACK, Saoud (1994)
27. TRAVAILLEUR, Steve Desire (1994)
28. FIDELE, Laval (1994)
29. UKHOY, Pardoorman (1994)
30. CYPRIEN, Laval (1994)
31. LALLOUETTE, Lindsay (1993)
32. LABROSSE, Eddie (1993)
33. BHÖYROO, Dhoian nd (1993)
34. MUNGUR, Anath (1992)
35. CODABUX Ahmad Nooramee (1991)
36. DAMREE, Naushad Ally (1991)
37. GANGIAH, Serge Eddy (1991)
38. EMAMBOCUS, Anwar Mohammad (1991)
39. XAVIER, Elville (1991)
40. Unnamed man died in police cells at Souillac (1990)
41. DAWAKING, Krishna (1990)
42. Unnamed man dies in police cells at Plaine Verte (1990)
43. Unnamed man found dead in police cells in Quatre Bornes.
44. RENEL, Joseph (1990)
45. NOYAU, Denis (1989)
46. MOORGHEN, Siven (1987)
47. VICTORINE, Serge Louis (1979)

Source: LALIT's Register of Deaths in Police Detention

To contact JUSTICE: 208 4074, 208 2132
To contact MLF, 208 5551, 6744656
This essay, written in 1999 just after the mass rebellion after Kaya's death in police cells, was only published in 2005. This second edition makes available this compelling exposure of the hypocrites who advertently or inadvertently encourage state violence against the powerless.
The Injustice of Kaya’s Death

LAW KEEPERS & HYPOCRITES

Jean-Claude Bibi

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Preface by Justice

Justice is very pleased to be able to publish, jointly with the MLF, the second edition of this important document by one of our members. In 1999, when it was written, the press did not publish it. Not surprising: it criticizes the media for its role in calling for the arrest of people like Kaya.

This document stands for enlightenment relative to criminal codes and for respect for human beings. We praise it for its reasoned arguments, exposing self-righteous hypocrisy.

The timing is also propitious. After a public outcry at yet another death in detention, charges are to be laid against the officers in charge of the late Mr. Rajesh Ramlogun, who met his death in 2006 while detained in the same Alcatraz cells that Kaya was detained in. The support movement for his widow, like that for Kaya’s widow has been very broad.

The movement against State violence has also broadened considerably. May there never be another death in detention. May all violence against detainees cease.

April, 2006
Preface par Muvman Liberasyon Fam

Today, when there is a tendency for some people to call for more repression, it is important for us to remember where it leads. Muvman Liberasyon Fam believes in the power of Liberty. Women are in charge of informal “peace-keeping” at home, in the neighbourhood. We, in the women’s movement, know that it is freedom that brings real peace. The macho violence inflicted on people through repression solves nothing. More often, it brings on even more serious problems for everyone in society.

When we, in Muvman Liberasyon Fam, re-read this article, written by Jean-Claude Bibi right after the mass rebellion of February 1999, we realized that it has special significance in today’s context when State violence has continued. He explains, with precision, how repression is not limited to institutions, or men from institutions that inflict it on others in the name of the State. Repression in its more brutal form happens when those with more influence and power in society demand it. Jean Claude Bibi exposes for all to see, the responsibility of those who demand repression as a so-called “solution”.

April, 2006

The Injustice of Kaya's Death

Kaya was found dead in a police cell one Sunday morning in February 1999. Others, too many others, had previously died in police cells in suspicious circumstances whilst under the custody, but obviously not in the care, of the Law-keepers.

Why was he arrested?

Why was Kaya arrested? Why was he at the infamous Alcatraz? What crime had he committed? Whom had he offended?

Kaya was arrested on Thursday, 18th February, 1999 because some apparently nice people were upset or pretended to be upset when they learned that other people, people like Kaya, had smoked gandia publicly and had therefore disobeyed the law of Mauritius in the presence of the police at a concert organized by the Mouvement Republicain on Tuesday, 16th February.

These nice people, who presumably do not smoke gandia nor disobey any law, were upset. Once upset
they got very excited. They started to incite the police to keep the law that people like Kaya had disobeyed.

One of these nice people was Jean Claude de L’Estrac, a notoriously intelligent man, a veteran journalist, ex-politician and an erstwhile Minister of External Affairs who now happens to also be the Director of L’Express.

Another one was a journalist from Le Mauricien newspaper, [the late] Koomara Venkatasamy, who would later, incidentally, write the worst article of all in Week-End the day Kaya died, along with Jean Claude Antoine’s indignant “Flies en délire” which lamented that the police at the concert had become “sourds, aveugles et sans odorat.” But the very day after the concert, [the late] reporter was praising the National Intelligence Unit for their reporting (in their secret reports that only he knows about) what the ordinary police did not dare report (he knows their reports too): i.e. that people were smoking gandia in public, which fact made (he knew this too) the Prime Minister “outré”. It goes without saying that the impressive amount of secret knowledge that the reporter accumulates can never be verified or for that matter denied by anybody.

Another of these nice people was Gilbert Ahnee, editor in chief of Le Mauricien who said: “Quoi qu’on puisse penser de la nécessite de dépénaliser, la provocation d’hier ressemblait fort a un overt breakdown of Law and Order.”

Jean Claude de L’Estrac is an influential man who can write about almost anything with some intelligence to thousands of people almost every day of the year. As can Gilbert Ahnee.

This is what Jean Claude de L’Estrac wrote: “Cette drogue a été consommée ouvertement ... au vu et au su de la foule...Aucune arrestation pour consommation de gandia n’a été effectuée.”

Maybe Jean Claude de L’Estrac was more than upset. Perhaps even outraged. People like Kaya had offended his principles, his need for laws to be kept. JCL demanded that the Law-keepers do their job, just as they themselves were doing their job of inciting the Law-keepers.

**No evidence**

So Kaya was arrested. Days after he had smoked a cigarette allegedly containing gandia handed to him by somebody in a crowd. Days after the evidence of any offence had already vanished into ... smoke. No cigarette was available for forensic analysis and therefore no evidence could ever have been produced to convict Kaya. The person in the crowd could have given him a tobacco cigarette mixed or
not mixed with any known or unknown substance – for all anybody knows. It is as if somebody confessed to a murder but no corpse, no weapon, no explanation as to the location of the corpse nor the time of the murder could be known. Experienced police officers like Superintendent Le Bon know very well that without direct and scientific evidence regarding the contents of the cigarette, Kaya admitted he had smoked, conviction for the offense of smoking gandia was more than doubtful. Kaya committed a ghost crime. However, his death was very real.

Law-keepers and their inciters

JCL and his colleagues from Le Mauricien and Week-End had been so offended by this ghost crime that they screamed blue murder in their newspapers. Sooner, earlier than they ever imagined, they had a corpse, not on their clean and intelligent consciences, nor in their arms, but in a sordid police cell not very far from their respectable offices.

No politician, no leader of any “Socialist” party, nor of any “Federation” should blame L’Express or Le Mauricien for Kaya’s death. JCL did not have Kaya in his custody and certainly not in his care. The Law-keepers did.

Curiously, Mr. Paul Bérenger, leader of the remains of the MMM, vociferated ad nauseam that Mr. Valayden of the MR was to blame for Kaya’s death. Unlike Lalit who correctly explained that the police was responsible for the welfare of Kaya whilst in detention and rightly demanded the immediate arrest of those police officers on duty at Alcatraz, Mr. Bérenger and his allies preferred to make political capital out of the death of Kaya, and in the process came very close to absolving the “rotten police” (Prime Minister dixit) from any blame.

It is interesting to note that the women’s wing of the MMM and other major political parties signed a petition which supported Lalit’s demand for the arrest of those police officers on duty over the 24-hours before Kaya’s death.

But then Mr. Bérenger too has already joined the ranks of the Law-keepers and of those who incite Law-keepers to keep the law. It is worth remembering that, when in power, both Bérenger and his present ally ex-Prime Minister Jugnauth did not hesitate to brutally and illegally dismiss eight hundred DWC workers. This is what a judgement of the Industrial Court of Mauritius has recently established. In 1992, the Prime Minister’s Office gave directives to the management of DWC to carry out an illegal lock-out and sacked 800 workers who
were on a legal strike. JCL too at the time was a Cabinet Minister in the very same government. So much for the Law-keepers and their inciters.

Moral inconsistency

We should not congratulate JCL, Ahnee, Venkatassamy, Antoine, Berenger and their ilk for their devotion to the law. Nor to justice. Their strident commitment to law-keeping is far from consistent. Homosexuality, for example, is a criminal offence in Mauritius. The act of sodomy, whether performed in public or private, is punishable by law. Sexual love between two consenting adult males is considered a crime in this country. Frequently enough, people are arrested, prosecuted and jailed for the offence of sodomy.

L’Express itself has in the past published a dossier on the subject and allowed courageous homosexuals to express themselves. Inconsistently enough, or by accidental wisdom, neither L’Express nor Le Mauricien nor Week-End have so far campaigned for such law-breakers to be hounded out. They have never campaigned for homosexuals to be arrested. Is it because sodomy occurs mostly in private? That would be no explanation: private acts of sodomy, even within marriage, are violations of the law.

Nor have JCL and Le Mauricien campaigned for the humanization and decriminalization of laws regarding sodomy. It can be mentioned here that the late Sir Gaetan Duval, QC, was courageous enough to acknowledge his known homosexuality. In this matter he was not a hypocrite, even though his politics were reactionary.

The inconsistency of the self-righteous law-lovers who incite Law-keepers can easily be demonstrated in yet another area. Abortion is against the law in Mauritius. They do not demand that women who have illegal abortions or doctors who perform them be branded as criminals, arrested, persecuted and jailed. Nor do they campaign for the decriminalization of abortion. Is it for fear of alienating the politically influential Catholic Church? Do they support the right of women to control their own bodies? Whatever they think on laws regarding homosexuality and abortion is a darkly kept secret. Political prudence is so often very close to abject hypocrisy and cowardice.

After the death of Kaya, while in police custody, even after the announcement published in L’Express that the death was the result of a “fractured skull”, JCL did not call for the arrest of those who had custody over Kaya and were in charge of his care, i.e. the police officers at Alcatraz. Nor did Gilbert
Ahnee. Nor did Koomara Venkatasamy, nor Jean Claude Antoine. Nor any journalist at any of these newspapers. Even after the publication of the contre-autopsie carried out by Dr. Ramstein, still no calls for arrests.

The powerful law breakers

Lovers of the law and those who incite Law-keepers should be careful. They may find themselves, if they are not already, in strange company. Our top Law-keeper has been living in a state of "suspension" for quite some time. (It is not clear whether he stays "suspended" to collect his fat salary or if he collects his salary because he is not yet dismissed but only "suspended".) In any case, he has not yet been arrested, he is not yet in a police cell, and he still enjoys remarkable good health, at least physically.

Yet, the Sik Yuen Commission has found, inter alia, that there are grounds to prosecute him for criminal violations of the law. Businessmen hitherto enjoying much-deserved (?) respectability have also confessed to the crime of bribing our "suspended" Commissioner, an offense which carries up to 10-year prison sentence. Unlike Kaya who was arrested, the corrupters and the corrupted are all at large, alive and kicking, free to go about their normal business. They are distributing alms to or collecting alms from the poor. None of them is locked up in a sordid police cell. Their health shows no sign of rapid fatal deterioration.

Kaya the popular musician

Kaya was a gifted and a popular musician. A popular law-breaker died in a police cell. He had had the courage to say he had smoked pot. He was frank. No court of law was likely to have direct evidence to convict him. Journalists from L'Express and Le Mauricien and Week-End assumed the role of policemen and magistrates, as if they could issue warrants of arrest. Afterwards, they deplored Kaya's death and may even be still in mourning, feeling, as they no doubt do, that his death was a horrible injustice.

Hypocrisy in Mauritian society

 Alive, Kaya denounced hypocrisy and social injustice in so many of his songs. Dead, hypocrites feel bolder. Some Law-keepers and their inciters may feel themselves lucky, but for how long?

Hypocrisy is a contemptible disease that is more destructive to Mauritian society and its questionable laws than smoking pot could ever be. Kaya is dead. Those infected with hypocrisy do
not die of it. Hopefully, Kaya’s death and the consequent riots would have served to expose the crass hypocrisy that seems to have got so entrenched in high places.

We are now, more than ever, very much aware of this hypocrisy. We know who the hypocrites are. We know what to expect from the Law-keepers, especially those at the top.

Jean Claude Bibi
Western Sahara.
ALOKAZYON 40 AN LINDEPANDANS MORIS

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enn rekey
Dedye a
memwar
Kaya (Joseph Reginald Topize)
poet mizisyen
mor dan selil Alkatraz, Layn Barak, Port Louis
21 Fevriye 1999
Kaya (Joseph Reginald Topize)

*Sant Lamur*

Mo rapel kan mo ti zanfan
Mo zanseynan ti fini so letan
Pu fer mwa konpran
Tu seki anbalao

Mo ti viv dan siperstisyon
Anture ek tu seki fer mwa per
Pu mo liberte
Zot ki ti deside

La mo ena enn sans finn uver
Ek enn lalimyer
Mo kumans gete ki frekantasyon ki mo ena

Mo ena enn sans finn uver
Ek so lintelizans
Mo lavi pyeze telman li presye

La mo ena enn sans finn uver
Ek enn lalimyer
La mo pu dir zot ki mo resanti

Bizin koze laverite zenes
Mo fami ki ti laba ti ’le tande
Komye finn mor
Ti pe bizin lasazes

Tuletan nu rezet seki bon
Tu nu lavi ti fini dan laenn
Mo pe sant lamur
Pu nu gayn liberte

Mo ena enn sans finn uver
Ek enn lalimyer
Mo kumans gete ki frekansyon ki nu ena

Mo ena enn sans finn uver
Ek so lintelizans
Mo lavi pyeze telman li presye

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