

Formal Criminal Complaint

**On behalf of
United Foreign Detainees
Currently held on long remand within
The Republic of Mauritius**

Mauritius, May 25th. 2023

Reference: Constitutional Abuse Human Rights Mauritius Prison System

To whom it concerns,

On behalf of the United and unconvicted detainees of 27 countries, currently held on long remands in the **High Security Prison (EHSP) Melrose as well in the Income prison called NEWY in Beau Basin in the Republic of Mauritius** hereinafter United Foreign Detainees, we are formally filling a criminal complaint against the following governmental entities based in the Republic of Mauritius:

- The Commissioner of the Police of Mauritius,
- The Director Public Prosecutions of Mauritius,
- The Chief of Justice of Mauritius,
- The Prison Commissioner of Mauritius,
- The Prime Minister's Office of Mauritius
- The State of Mauritius

The continued constitutional abuse of Human Rights and the physical and mental torture of foreign detainees are the fundament for this criminal complaint.

According the ratification as agreed by and between the State of Mauritius and the United Nations (UN) Human Rights Treaties Bodies within the CCPR and the CAT Convention combined with the claim of human rights by the State of Mauritius within the AU-Membership, we express our serious concerns about the mental and physical healthcare of foreign prisoners currently held on long remand within the prison system of Mauritius

Our concerns are the direct result of the many Individual complaints by the foreign detainees currently held in long remand in the prison system of Mauritius. Every detainee held in the prison system of Mauritius, should be protected by the constitution of Mauritius and by the several agreements for the protection of human rights between the State of Mauritius and the Human Right organizations involved.

The serious complaints are in strong contradiction with the constitution laws for enforcement of protective provisions, protection from inhuman treatment and the fundamental rights and freedoms of the individual.

The prosecution and law enforcement system of Mauritius are showing serious elements of pre-trial (convicted) detentions combined with extreme long remand periods up to 8 years without lodging any case for the detainees.

The extreme long remand periods combined with elements of forced labor, Institutional violence both physical and mental by the Mauritius Police Force and more specific the Anti-Drugs and Smuggling Unit (ADSU) combined with a total disrespect for human rights, putting the UNCONVICTED and because of that fact, INNOCENT detainees mentally and physically under extreme circumstances.

The simple fact that more than 70 foreign UNCONVICTED detainees are waiting for many years for maybe a process to be lodged in the future, are fundamental inhuman. These foreign detainees are confronted with long remand in concrete units for periods between 3 and 8 years without any case to be lodged in the near future.

Detainees are locked up in a high security system in Mauritius for no reason. The simple fact that they have to live without the visit of their beloved once's combined with a pre-historic phone system (4x10 minutes per month) and 2x15 minutes skype per month makes it mentally almost impossible. These contact moments need to be combined with the contact moments of lawyers makes it way too short to keep family ties strong during these extreme difficult long remand periods of a pre-trial detention.

The absence of toilet paper as a direct result of governmental policy are putting all these foreign detainees in great danger. The effects of spreading bacteria's and decices are an everyday risk for the prison community.

The absence of warm water combined with the absence of toilet paper makes it impossible for the foreign detainees to clean themselves properly after their toilet visits while they have to take their morning and afternoon food (bread) with bare hands as well. Pests such as rats and cockroaches are massively present and are a direct threat to the health and well-being of the foreign detainees.

The absence of warm water effects in dirty smelling clothes while bacteria are not been killed. Many skin decices and physical health issues are a daily effect of these circumstance as an immediate effect of the policy of the Mauritius Prison System.

Foreign Detainees within the prison system of Mauritius are facing many years of long pre-trial remand periods. There is no daily program and any form of education is rejected by the commissioner of prisons.

There is no facility of sport or gymnasium. This combined with the absence of good quality and healthy food, effects in an unhealthy community within the Unit for Foreign Detainees within the EHSP Melrose Prison System.

There is no possibility to practice any religion in freedom and under the guidance of a Reverend, Priest, Rabbi or Imam. Everyone may choose their own religion or belief and behave in their own way. It is a shame that foreign detainees have no opportunity to speak to a Reverend, Priest, Rabbi or Imam. Many people place great value on the counselor who brings such positions. It is up to the Mauritius Prison System to change this so that prayers and beliefs can be followed appropriately in the prison system. Even during Ramadan, Imams were not present to confess and celebrate Ramadan. It gave the Muslim community within the unit for foreign detainees the feeling that Muslims are not welcome in Mauritius and that their religion does not matter. The food is not Halal which only makes the situation worse. The same goes for the Jewish community. A Rabbi is not present as well as the presence of Kosher food. It strongly seems that the Jewish community may not be welcome either. On the other hand, it is inexplicable why no provision is made for the guarantee and freedom of religious practice.

The foreign detainees who are for many years in remand, has not seen their families for many years, contact moments with family members are simply impossible because of the fact that the foreign detainees need to make a choice to either call their families or their lawyer.

Conversations by phone between lawyer and foreign detainees are never private and confidential as the officer in charge is always listening with the conversations and is managing the phone. This is an immediate threat against the right to prepare the defense. Foreign Detainees who are been visited in person by their lawyers, are been confronted by a wall of glass with a phone to use. It is simply impossible to have a confidential conversation about the case itself with the lawyers, to share or sign documents or any other activity related to the defense of their trial. This is again a serious threat of the judicial position between the public prosecution and the suspect in the case. The prison system has no facilities at all to prepare for the defense and to protect the fundamental rights of the unconvicted and therefore innocent suspect of a case.

The prison is located far away from Port Louis which is the main reason why lawyers can't visit the prison so easy. They need to make an appointment first, and then they have to travel 1 hour up, 1 hour down and 1.5 hour inside the prison. In case it is a governmental paid lawyer, the financial fees are simply not enough to maintain and therefore the foreign detainees who rely on a governmental lawyer are simply left in the cold under mental and physical extreme difficult conditions. This is in contradiction with the agreements between the State of Mauritius and the Human Right bodies as United Nations, The UN for Human Rights Treaties Bodies, CCPR, CAT Convention and the African Commission for Human Rights Treaties Bodies.

Two foreign detainees called Mr. Ashley Tierney (PID Number 16753 a United Kingdom Citizen and Mr. Ruppert Bothma, a South African citizen, have been premar physically tortured and were subjected to serious physical and mental abuse over a long period.

Both individuals have been subjected to extensive physical and mental abuse in the SPU Prison Phoenix La Bastille. While handcuffed by hand and feet, both foreign detainees were beaten with sticks, kicked with steel-toed shoes, while completely handcuffed, by 10 officers in charge and then completely naked handcuffed for 6 days. left in their cells in their own excrements and urine.

Subsequently, both men were confronted with a stroboscope placed on their faces 24/7 for 6 consecutive weeks in a completely dark room without windows or good ventilation. One of the gentlemen broke 4 ribs and therefore had to rehabilitate for a long time. The other case has been widely covered in the English and French media.

Despite the severe beatings, the Public Prosecution has not decided to dismiss both cases with immediate effect on the basis of a criminal offense committed by officers in charge during their work against foreign detainees who remain in pre-trial detention and who were unable to defend themselves in any way as they were naked. were bound hand and foot. Both gentlemen are mentally seriously traumatized and have looked death in the eye several times.

Both gentlemen were tortured to sit on their hands and knees in a row of ten naked people. They were forced to sit with their nose between the naked buttocks of their predecessor. When they refused, another harsh torture with sticks and mental abuse followed by blackmailing them with the most terrible threats. They would never again see the light of day, never again see their families, never again hear the voices of their children.

The Englishman was told the torture was part of a coercive negotiation with the English government for the exchange and settlement of a neighboring island. In so many words they wanted to make the Englishman feel and know that in Mauritius stubborn Englishmen would never be tolerated.

An intolerable regime on a beautiful island like Mauritius cannot find any basis within the various humanitarian treaties that the state of Mauritius has signed with the various humanitarian organizations and regulators. Any form of criticism is barred and cooperation with access to control the implementation of the concluded humanitarian treaties is simply impossible.

As a result, guaranteeing the treaties concluded between the state of Mauritius and the various humanitarian organizations is merely an illusionary distraction for the outside world. No scrutiny can take place when there is such a degree of corruption and disrespect for the law and the protection of human rights within the judiciary. The criminal justice system in no way respects the rights of the suspects and suspects are thereby directly and indirectly harmed in their rights. As a result, there is no question of a fair trial, but of a forced confession with extremely far-reaching consequences.

It needs no further explanation that torture and ill-treatment, both physical and mental, have no basis whatsoever for establishing the truth in criminal investigations. Attempts were made under extreme pressure by means of torture and ill-treatment to obtain confessions from both men.

In both cases, The Public Prosecution of Mauritius will have to proceed immediately to the complete dismissal of the preliminary criminal investigation.

By formally writing this letter, together with attached the signatures of more than 50 UNCONVICTED and therefore INNOCENT foreign detainees, we order an independent investigation by the following independent organizations:

- The UN Special Rapporteur on Torture,
- The UN High Commissioner on Human Rights
- Amnesty International,
- The National Ombudsman in Mauritius,
- The African Commission on Human and people's rights,
- The Criminal Investigation Department of the Police in Mauritius,

Immediate Intervention in these important and life-threatening circumstances are highly necessary and can't wait any longer.

We look forward to your serious reply!

Your sincerely

NGO Foreign Prisoners Network

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- *Attached: Signatures from Foreign Detainees who are longer than 3 years held in remand within the Mauritius Prison System period*
- *Attached: Signatures Foreign Detainees Criminal Complaint*

Formal Criminal Complaint – United Foreign Detainees – Republic of Mauritius May 2023
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