

Ethics in Action

Vol. 4 No. 5

October 2010

ISSN 1997-2997



WOMEN SPEAK OUT

**Asian women speak out on torture, ill-treatment,
domestic violence and policing systems**



ASIAN HUMAN RIGHTS COMMISSION

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Introduction

Basil Fernando

This is a collection of women's views on the policing system in the countries in which they live. These interviews reveal women's views on the use of torture by the police and the ineffectiveness of the police in dealing with laws against domestic violence.

This collection of interviews should be an eye-opener to any conscientious person. Here, a number of women from several Asian countries and from different walks of life talk about the policing system of the countries in which they live. The views expressed by these women make apparent the societal perception of the police; the unanimous opinion is one of enormous suspicion, fear and unhappiness. When the women of a nation speak about the serious inadequacies of the major institutions that determine the wellbeing of a country, this is a reflection of the underlying problems that the society faces.

Many women speaking in these interviews frankly state that they fear that making complaints to the police creates problems that are greater than those they are trying to solve in the first place. If the police, one of the primary institutions for problem-solving in a society, further aggravate difficulties then this is a reflection of far deeper problems within that society. There is a saying from folklore in some south Asian countries, that if the fence eats the paddy, then who will protect the paddy? In Kerala, India, there is a saying that goes, if a dog is mad, you can tie him up with a chain, but if the chain itself is mad, then what are you going to do?

The security of women is a direct indication of the social security within a country. When the private citizens of a country who are engaged as homemakers, students or in other professions feel that the primary law enforcement agency in their country is a threat to their security, this is a severe indictment of the level of insecurity that prevails across these societies.

In the modern world, we speak about improving the conditions of women so that they can participate in life on equal footing with men and engage in all aspects of social life with a sense of security. Women should be able to travel without fear; the safe mobility of women in a society should be ensured. Indeed, to get anything done, people need to travel. But if women are afraid to use mass transit because they fear sexual harassment, this is a hindrance to the progress of women in all areas of life. If they are wary of traveling unaccompanied in the evenings, they will be unable to engage in a number of activities which they would be required to engage in should they desire to play an active

role in society. Under all these circumstances, the guarantee of security should be fulfilled by law enforcement agencies. If people are afraid of law enforcement agencies, then who will provide the security that is necessary for unaccompanied mobility? Women's insecurity in travel is indicative of a societal failure. But how can a society reverse such failures if they are not supported by law enforcement agencies?

Patriarchal societies stemming from centuries-old feudal traditions have created various kinds of discrimination against women. Recently, there have been numerous attempts to improve laws and provide for women so as to overcome such limitations and guarantee the equal participation of women in all areas of life. However, laws that are not properly enforced are rendered useless. There have been progressive social movements that have campaigned for legal changes which benefit rather than subjugate women. These movements have achieved landmark legislation, but when law enforcement agencies do not adequately uphold these laws, the laws become meaningless. Therefore, all actors in societies who are dealing with the issue of violence and discrimination against women cannot ignore the problem of the way law enforcement agencies relate to women.

One of the unanimous opinions from these interviews is that it is the economically-privileged who receive the benefit of police services; the poor and other marginalized groups are ignored and harassed. When the poor seek help from the police, their complaints are not registered in a timely fashion or they are made to visit the police station many times and are often humiliated by various methods. Overall, the ethos is hostile towards the poor. The poor make up the majority in most of these societies. The incapacity of the police to deal with the fundamental norm on which the legal system rests, that of equality before all, fundamentally threatens the rule of law itself. If the majority of the population who are poor do not benefit from the services of the law, then how can the rule of law exist?

Women constitute a marginalized section of society. If the privileged are the only people who benefit from the services of the police, then those women who are also poor are doubly marginalized and neglected in this aspect. This issue requires the attention of all members of society.

Many women in these interviews have said that in trying to have their complaints registered, they fear being subjected to sexual harassment. If law enforcement agencies are perceived by women to be institutions where sexual harassment prevails, then what possibility is there for women to seek the help of the police for issues such as rape and domestic violence? Indeed, in both these areas, law enforcement is weak in all these countries. If a woman cannot seek the services of the police on a fundamental issue like rape, how can a criminal justice system function? Rape, like murder, is one of the most heinous crimes that can be committed. However, the common experience in many Asian

countries is that getting police action on cases of rape is extremely difficult in the majority of circumstances.

The methodology used in this book is interviews. Here, ordinary individuals are asked about their views on a number of different aspects and their views are recorded faithfully. These interviews give the reader the opportunity to understand what the average citizen thinks about various issues. Such a methodology needs to be pursued more often in order to provide an understanding of the issues faced by ordinary people in a society.

Many publications provide the views of educated and often academic communities on various issues. This publication works to provide more direct contact to the views of ordinary people. There has been no attempt to edit or analyze their views in terms of someone else's judgment or way of thinking. Here, the judgment of ordinary people about a major institution in their countries is presented in their own words.

In many interviews, the reader will notice the expression of similar views. This is not because the interviewees were chosen to express similar views. Rather, interviews were conducted randomly and there was no attempt to make any kind of selection on the basis of a particular viewpoint. The repetition of these views speaks to the commonality of understanding spread across societies. When interviews with ordinary people are conducted, we have the opportunity to see the differences and similarities in the views on various aspects of public institutions in a society. The similarity of these views strengthens the understanding that the policing system in a number of Asian countries is in a state of crisis, and that this crisis requires greater attention and study.

It is puzzling that both the academic world and the media have neglected the concentrated study of the problem of policing; indeed, there is a great lacuna about the problems of policing. This lack of attention to this issue by academic communities and the media may be on the major reasons why this problem remains.

For centuries, policy makers have been negligent on the issue of policing. Perhaps it is because they have a personal stake in maintaining this neglected institution which privileges the wealthy and powerful and further subjugates weaker sections of society. A major threat to a country's social progress occurs when issues such as policing do not receive the adequate attention of legislators and policy makers. How can social insecurity be resolved if this problem is not addressed?

This study also indicates the weakness of numerous studies on violence. Violence is often examined and attributed to the political ideologies of groups which are pursuing various interests. However, violence is rarely studied from the point of view of the institutional failures within a society. If a law enforcement agency is a violent institution

which provokes fear, then how can violence can be alleviated? Studies on violence must examine whether the law enforcement agencies control violence or further provoke it. If law enforcement agencies provoke and generate violence, then any attempt to counter violence must first involve dealing with this issue. The law enforcer must be brought under the law before the law can be administered anywhere else.

The views expressed by the women in this volume should contribute to new methods of looking at existing problems within a society, namely the larger problem of violence. In order to counter violence, we must begin by diminishing the possibilities of violence generated by law enforcement agencies. The first step in dealing with violence in any society involves disciplining these agencies and getting them under the control of the law. We hope that this publication will contribute to sober discussion on all these aspects.

Interview 1

SRI LANKA: Harshi C. Perera



“The real problem lies in the implementation of the laws.”

Harshi Perera, a young Sri Lankan lawyer spoke on her views of policing and torture. Ms. Perera holds two degrees in arts and law and has been registered as an Attorney-at-Law. She has attended many cases and also worked on behalf of several human rights groups working on human rights in general and particularly the rights of the woman.

She states, the example of the Sri Lankan police is not a good one. It is a very corrupt institution. Even a Sri Lankan minister recently said that the second most corrupt institution in Sri Lanka is police.

The practice of torture is just one aspect of policing and the people who are subjected to torture mostly come from extremely poor backgrounds. There may be a handful of police officers who may be doing a good job but for the most part the police themselves and the system are not good. If the Human Rights Commission and the Police Commission were working as they should be we may have been able to see police working well. For example, policemen ask for bribes even for very small things. One woman mentioned to us when she went to get a complaint recorded she was told by a police officer who gave her his telephone number to get a reload for his mobile phone. Then there was the case of a person who belongs to the 'Vadda' community, the indigenous community who live in Sri Lanka; there we found that he was implicated in many crimes for which he had no responsibility at all. They were all fabricated cases. It took a long time to fight this case. Of course he won it at the end but he had to suffer a great deal in the process.

The problem is not the laws of Sri Lanka; there are a lot of laws in Sri Lanka and they are quite adequate. Indeed, there is a law which says torture is a crime. The real problem lies in the implementation of these laws. The implementation has failed and therefore in the absence of implementation we have all these problems.

The police use torture all the time and Ms. Perera believes that there has to be a very big change. The torture is a result of the way criminal investigations are being conducted. There is a responsibility for the government to ensure that the things are done properly. But these responsibilities are not exercised. There is, in fact, a severe penalty for officers who used torture. In the past the Supreme Court has given extraordinary compensation for torture cases. Unfortunately this has now been changed. Also, the law relating to torture it is not implemented. Very few cases have been prosecuted. Law enforcement agencies and the courts bare a heavy responsibility on these matters. Something must be done to change things.

The police and the public

The relationship between the public and the police is very poor. These days even when there are simple burglaries from a home people say that there is no point going to the police to make a complaint. "I have gone some times to help the clients to get a copy of the recorded complaint," said Ms. Perera. Sometimes I have to go for two days in order to get one complaint recorded.

"There was a man called Sarath Kumara Nidose. When he was subjected to torture at a police station I went with him in order to intervene on his behalf. When we went to make the intervention, we were accompanied by a lawyer but the police officer in charge did not care about lawyers at all. He did not do anything to help", she said.

When asked as whether she will go a police station if she has a problem of her own she went on to say, it is wiser not go to the police station for help. It can be far safer to make a written complaint from home and get that sent rather than going to police station.

Law relating to domestic violence

Now there is a domestic violence law in Sri Lanka. This is a good thing and it came as a result of a lot of action on the part of the human rights organizations, particularly women's organizations. This law has been in the books for a few years now but despite the passing of the years I am not sure whether many people know about this law at all.

"When people don't know about a law they cannot use the law," said Ms. Perera. "And it is because of this that there are also many misunderstandings. Even some people in the human rights organizations do not have a proper understanding of this law. One person told me that because of this law there are many unnecessary family disputes. Such views show that they don't understand this law".

Even some judicial officers do not have a proper understanding of this law. This law, if it to be useful should be taken to the people and the women should be educated on this law. Something like what was done regarding the law against torture must be done in order to educate people. The Convention against Torture Act, (Act No 22 of 1994), law came into effect in 1994 but it was only after a very big educational campaign was conducted by some human rights organizations that the people got to know of its existence of this law. Something like that should also be done relating to the domestic violence law.

"What I personally think," said Ms. Perera, "Is getting anything done from the police is an extremely tiring thing. Therefore people are very reluctant even to go there. There are always big problems involved once you go to a police station. Even after taking lots of trouble if you go and make a complaint it is doubtful whether there is any use in doing that, *because from my experience not many things happen due to seeking police help*. More often the result is negative.

The first thing that needs to be changed is that the politicization of the police has to stop. It is very essential it should become an independent institution. The peoples' trust in the police must be reestablished. It is very essential that the accountability system should be established. The National Police Commission should be independent and be able to deal with the problem. The same must be done with this Human Rights Commission (HRCSL). The HRCSL should be strong and should be able to deal with the bad policing.

Interview 2

SRI LANKA: Sandamani Munasinghe



“The people have very little faith in the police”

Mr. Sandamani Munasinghe, a Sri Lankan Attorney-at-Law, has worked as an advisor to the Human Rights Commission of Sri Lanka (HRCSL), several human rights organisations and also assisted in many human rights cases with senior lawyers. She has also worked in the Women in Need organisation, which particularly deals with the problems of women and children.

She made following observations in answering questions posed to her.

What do you think about the policing system in your country?

I think that we cannot discuss the question of policing in Sri Lanka without discussing many other problems that exist in the country. I can see this more clearly now as I have worked and lived in the Hong Kong SAR for several months and have been able to see the way the policing system functions here. When we compare these two systems we see that there are serious problems in Sri Lanka and one of the most prominent problems is the fact that the Sri Lankan police cannot work independently; indeed, they are not allowed to work independently.

Recently, I have been studying files relating to the disappearances in Sri Lanka. When we examine these files we see how the police officers respond to questions about things that they have done. Their common answer is that they were simply carrying out orders from above.

For example if the police abduct a child who was subsequently disappeared they say, "Don't ask us about these things because we were told to do it. We were given lists and

we took these people away. So we were carrying out orders from above". They are not in a position to intervene and give any kind of relief in terms of the law. They are not acting in terms of the law but in terms of orders from above.

What do you think about the use of torture?

I am completely opposed to the use of torture under any circumstances. There can never be any justification for that. The police officers do not have any right in law to use torture.

When a person goes to a police station many problems are reflected by what happens there. If something happens due to someone's negligence the only relief a citizen can expect is to go to the police and complain. But once you go to the police they do not behave as the police do in a developed city. They have no technical knowledge or forensic facilities. They simply do not have ways to obtain proper evidence. They do not know the methods of doing things. So, if the police are to stop using torture in Sri Lanka they have to have proper training in the use of scientific methods.

So it is quite evident that the police are at fault in the use of torture. However, this is also due to the government itself not exercising its responsibility. The state does not ensure that investigations are carried out in a proper fashion. The government makes no effort to train the police in these matters and so the responsibility lies at many doors.

What are your views on the public relations of the police?

The people have very little faith in the police. Many people believe that the only reason a man becomes a policeman is because he cannot find a job anywhere else. Even among the police themselves there is the psychological atmosphere of inferiority. They feel that there is little or no dignity in their work and that they have no place in society.

As people in civil society we condemn the actions of the police but the police see things from a different viewpoint. They feel that they are succeeding in their work of obtaining information on crimes, even if they engage in torture. Therefore they do not consider torture something demeaning and wrong. They honestly think that they are doing a great job and serving the public. That is the feeling that prevails in the police. They believe firmly in their power and authority.

As a response to the peoples' condemnation of the police they in turn simply resort to further displays of power in order to intimidate their retractors. Therefore there has to be changes in the educational levels, they should be encouraged to act with dignity and this in turn will improve their self esteem.

If you have a problem would you go to a police station to get help?

Anyone having a personal problem will go to a police station only as a last resort. Sometimes I accompany someone to a station in my capacity as a lawyer. I am given a degree of respect because I am there as a lawyer but if I go as a private citizen this does not happen. Even as a lawyer going there for professional reasons I do not receive proper treatment.

Often the officers say, "Why did you come here? We didn't ask you to come, we just asked your client to come. Just wait". And after saying this they take their own time. They say, "If you don't want to wait go and we will deal with your client on our own". And this is what they much prefer because without a lawyer being present they can intimidate the person.

Their attitude is blatantly that this is 'their place' and that 'they are in charge' so why are we, the lawyers, there? This is the treatment that they even give to lawyers. So, to repeat my comment, if I am treated like this as a lawyer, what kind of treatment can I expect if I go as a private citizen?

Is there a domestic violence law in your country and what is your opinion of it?

We have Act No. 34 of 2005 which is about domestic violence. Before we had this law we only had the maintenance ordinance. I have read the circumstances under which this law came into being and there were a lot of expectations about this law.

Of course there is the belief that this law was only brought in to help the women. However, there are provisions within this law for women, men and the protection of children. This law does not only cover what happens in the home but also the working place where there are provisions for protection. There are also many provisions for the protection of children and there have been many sad instances where both the mother and father have neglected their children. This law provides for circumstances where the children can be protected. There are even provisions where they child can seek this help through probationary services or the police. There are also other organisations that can help. Of course, complaints can be made to the police and they can prosecute cases.

For example in the organisation in which I worked, we intervened in cases for women. However, there are problems due to the lack of understanding about this law. When we intervene on behalf of women the objection that has been brought is, are you not hurting the institution of the family through this law? Is it not better to settle these things privately and amicably? It is necessary to bring the matter to court? So if even the lawyers

take this kind of view, then we can see that within society there cannot be that much appreciation of this law.

This law gives power to the police to intervene in women's complaints. However, problems arise because of the nature of the policing system in Sri Lanka.

In one case there was a woman, married to a three--wheeler driver, who faced serious death threats. The husband hurt the woman using swords and knives. However, the police took the side of the husband and not the wife. There were many things that the police could have done as the victim was injured but in this case they did not take action.

The organisations that try to help women experience a lot of difficulties from the police who sometimes even refuse to give copies of the complaints made by the victims. This is because the alleged perpetrators influence the police and build relationships with them so that the police harass the victim.

As mentioned previously, the police have the power to prosecute domestic violence cases but they very often neglect or abuse this power. There are a lot of good points in the laws on domestic violence but in order to obtain the relief available there are a lot of obstacles because it has to be done under the existing circumstances of the policing service.

Contrary to the comments of the police this law does not contribute to creating disharmony among families. There are many avenues for settlement even after disputes have arisen. The law merely provides protection when it becomes impossible for people to live together. Therefore the law is good but there are problems relating to its implementation.

Interview 3

SRI LANKA: Inoma Karunathilaka



*An unfortunately our police officers
do not know the value of life.*

Mrs. Inoma Karunathilaka has been involved in civil society organizations and women's organizations for several years. She has been an active member in helping torture victims. Now she is studying psychology.

She made following comments on the issue of policing in Sri Lanka

What do you think about the policing system in your country?

First of all I would like to say I have no trust about our policing system. This is one of the most corrupt institutions in Sri Lanka. The main point is that many of them don't know how to behave and they don't know the discipline at all. Especially women cannot go to the police station alone. The policemen try to cheat them. They are trying to manipulate the women and to misuse them. Most of the poor Sri Lankan women and girls have faced many problems and some of them were abused by the police officers.

I have visited several police stations for an official purpose, and personally what I felt was that they had respect for the dress. If they feel that these persons came from an affluent background then they will treat them well, otherwise they will treat the people like dogs. Here I would say one thing. There are some good police officers too, but their voices have no power because they are very few in number.

I have many friends who work in the police. Most of them studied with me at the University and did the Human Rights Diploma. They are also not happy with the system. One inspector of police (IP) told me that they receive very low salaries and because of this, most of the police officers take bribes as they face financial difficulties. We cannot justify this because we are all human. We cannot say that they are right or wrong. The root of the problem is with the system. Furthermore, most of the senior police officers

used junior officers as a weapon, and due to fear and respect for the senior officers, they do what they are told. One senior police officer told me that he would advise his sons, daughters and even enemies not to seek a job with the police.

The Sri Lankan police system should be changed. There should be a good disciplinary system. This change should be initiated from the top, a top to bottom reform, not from bottom to top. When the top level changes and when they respect the rules and regulations, the lower levels would also follow suit. Our country should learn from other countries the way of how they overcome the problem of corruption. Personally I think they should get the ways and techniques from the Independent Commission against Corruption (ICAC) in Hong Kong. There were some top officials who participated in the training programme at the ICAC with us. After the programme they told me that the ICAC is a good system but could not be implemented in our country due to the financial situation. The authorities should be concerned about this and they should try to do what they can, otherwise the situation would be worse.

What do you think about the use of torture?

There is no right for any person to torture or to take the lives of others. Life is the most spiritual and holy sacrament. God had sent us to this world to do a mission and to collect merits. But unfortunately our police officers do not know the value of life. They misuse the power given by their profession. They use torture as a weapon to take evidence, or to get credits from their senior officers. A distressing situation is that most of the junior police officers don't even know about the torture act. Traditional methods should be changed. Especially the civilians' mentality should also be changed. Most of the civilians believe that the police should use torture and give punishments. In this situation, the media has a big role to play. If the media play their roles well, it helps people to think twice and change their way of thinking. Torture is not a good method. It put people's lives in agony, not only a person's life but the whole society.

Recently, we heard a lot of depressing stories about police torture which occurred in our country. When the police officers wear their uniform, they think they are powerful and they do not respect the rules. A main reason for them not respecting the rules is because most of the police officers are not educated. When the police officers are stressful, dispersed or suffering from mental illness, they release their pressure or emotions on the people. They release their anger by torturing the suspects or the innocent people. The sad thing is that some of their mentality is very low and they torture and abuse the young children too. I think the police recruiting system and its training system should be changed. Police officers would then have a calm and pure mentality. However, the final responsibility goes to the government. The government has the responsibility to change the system.

What are your views on the public relations of the police?

Public relations depended on the person. The people see the police as a dangerous animal because of their acts. They regarded the police in a negative point of view. As the people don't have the clear mentality about the police system, they don't trust them at all. Here is a good example illustrating the relationship between the police and the people. When there is a road accident, people would punish the driver and burn the vehicle as they do not trust the police. People know that if the owner or the driver of the vehicle is a powerful and influential person, the police will take their sides. This is the mistrust built up by the police officers. Therefore the relationship between police and the civilians are very poor.

If you have a problem would you go to a police station to get help?

This is a hard question. Honestly speaking if I have a personal problem I would think twice before going to the police station. It is only when there is no other alternative I will go there because the Sri Lankan police is not a safe place for anybody.

I have gone to the police station many times due to some official purposes but I never went alone. I always contacted my friends and got their help as there might be situations when a female goes alone. If a female goes to the police station alone most of the police officers would go around asking many unwanted questions. Another issue is the way the police officers talk. Sometimes fear would automatically build up because of the way the police ask questions. Most of the poor women face problems due to this fear. Police officers know how to make use of the situation and they get the upper hand. All these situations occur due to loop holes in the system and the poor mentality of the police officers.

Is there a domestic violence law in your country and what is your opinion of it?

There are domestic violence laws and charter in Sri Lanka. The Women's Charter on December 1992 by the office of the State Minister for Women's affairs and it was approved by the government of Sri Lanka on 3rd March 1993. It clearly mentioned about the "Right to Protection from the Gender-based violence" and it included domestic violence as well. Later in 2005, the government has passed the Act No. 34 in 2005 which was based on domestic violence. Usually the laws and regulations are written on the books. However, according to my knowledge it was not properly implemented in Sri Lanka. Some women organization work and fight against domestic violence and try to implement laws, but unfortunately not a lot of civilians are aware of these laws. Also they fear going to the police to make even a simple complaint. A police friend of mine once told me, "The police station is not a place to solve family problems. If somebody

goes to the police due to domestic violence or family problems, they will never come together". Furthermore he explained to me that there should be a system to give advice or counseling for the families in the police, but there is no such system in our policing system. Very recently I have read some news saying that in every police station, there is a separate unit for the women's and children issues, but I have no idea about their functioning.

Another issue is about the great influence from our cultural. Our culture taught us that the society is male-centered and women have to protect the family under any circumstances. But sad thing is that very few families practice the democratic family values. All the others especially families in the rural areas and plantation sectors are male dominated. A lot of women and children had suffered from domestic violence and violent behaviors by their fathers and husbands daily, but they would not come forward due to cultural barriers, or because their children's lack of knowledge about their rights. Women from the middle class and upper class are smarter and they would go directly to courts and divorce. However I don't know how to justify this. When comparing with the past nowadays the divorce rates are very high.

We cannot rely on the laws only because these laws cannot protect the people, and because they are not being implemented properly. Court delays are another problem. The court delay directly affects the system. This helps to take the grant for the perpetrators, police and also for the lawyers. This is the reality in our society.

My personal opinion is that people should know the values of the family, especially those who have children. All the rules and laws are there, but there should also be a system to solve family problems as well. The authorities should find the cause for domestic violence and should give a proper solution for them, and the government has the big role to play.

Interview 4

BURMA: Noveline



“The police is more powerful than the judiciary, and there is no protection for the people by judges in Burma.”

Mr. Noveline is a young Burmese woman involved in promoting democracy and human rights in her country. She made the following comments in answer to questions posed to her.

What is your opinion of the Burmese policing system?

When comparing Burma to many other countries, we need to remember that we are comparing democratic systems to a military dictatorship. In a democratic country, the function of the police is to maintain the rule of law; but in Burma, this is not what the function of the police is. Burma is under a military dictatorship and within that, police stations are subordinate to the military. The important people are the military, and the duty of the police is to help and assist the military. The police control the society; they carry out surveillance on the people and try to stop any kind of political activity. They are also very corrupt. For example, when people buy lottery tickets in my town they have to pay the police because buying lottery tickets is illegal. You can't do anything illegal without bribing the police. The most significant problem is that they do not know the rights of the people. In Burma, people don't have rights; therefore the police do not respect any kinds of rights. If the police arrest people, they do so whenever and however they please.

The military dictatorship system is worse than the problem of corruption. Once the police arrest people, they conclude all charges. This means that sometimes they will charge innocent people for crimes they did not commit. Particularly if the people in question are political dissidents, they can charge them and put them in jail. So the police are constantly helping the military. Under various reasons and excuses, people are put into jail. When you look at the function of the police, it is clearly terrible. But when we

talk about the Burmese police, it is important to remember that Burma is a country that has been under military dictatorship since 1962. The people, including the police, have never been exposed to the idea of democracy. The police will do anything for the military because the military is more powerful. In other countries, the police is controlled by the judiciary but in Burma, our judicial system cannot control the police. The police is more powerful than the judiciary, and there is no protection for the people by judges. This policing system is terrible, as judges protect the military instead of the people and this places an enormous burden on the people. There is no way for people to maintain any kind of security.

Our military system has trained people to obey. If a senior officer gives a wrong command, the junior officers will obey the senior officer without thinking whether the act is right or wrong. Even if the junior officers know that a certain command is wrong, they are afraid of losing their power and position if they do not obey, so they keep silent and do as they are told. Also, since the top seniors are corrupt, the junior officers do not consider corruption to be a wrong action, so they follow the examples demonstrated by the senior officers. Ultimately, I think the policing system in Burma is destroying the spirit of the people.

Why is torture practiced in Burma?

The police use torture as a means of getting money, extracting information, and punishing political prisoners. This creates fear in the people of criticizing the military government.

There are more than 2000 political prisoners in various prisons, and some are at risk of torture during the initial detention when they are often interrogated for hours. Torture and ill treatment occur in a variety of detention centers, military intelligence headquarters, military outposts and prisons. For example, Dr. Wint Thu was accused of his involvement in praying for the release of political prisoners, and was tortured by the police during the investigation.

As for ethnic minorities, torture and ill treatment of ethnic minorities occur in the context of a pattern of persecution against non-Burmese groups. It also occurs in the context of enforced portering, because ethnic minority groups are often deprived of their economic, social and cultural rights. Military forces mortar villages, burn homes and destroy crops to obliterate livelihoods. Many members of ethnic minorities have left their villages because of forced labour, forced relocation of homes, torture, rape and so on.

As for child soldiers, recently, a 15-year old child was shot dead because he refused to join the army. Two other children refused to join the army, and as they tried to escape, one was shot and the other now suffers from mental health issues.

As for the civilians, Two teenage girls were accused of stealing money and were tortured by the police. During the investigation, the police squeezed their fingers and bent them. Another two men accused of robbery were tortured by the police during the investigation before they were taken to the judge. The wife of one of the men had to pay the police in order for her husband not to be tortured by them.

What are your views on the public relations of the police?

The relationship between the public and the police is very poor. When I was in Myanmar, before I went to Yangon for my university studies, I lived in my hometown in the Ayeyar Waddi Division. Near my town, there were many villages where farmers relied on their crops to make a living. Every year, the police would force them to sell their crops at very low prices. Even though the farmers were very angry, they could not say anything because they feared the actions of the police.

I have been in Hong Kong since mid-February; I think people in Hong Kong are not afraid of asking the question 'why' if something seems to be unreasonable. But in Burma, people are afraid to even ask the police 'why' because the people are so deeply affected, psychologically, by military rule.

What do you think about the use of torture?

I do not agree with the use of torture for any reason. If torture is used when the police deal with suspects, it is highly likely that they might torture innocent people and generate false confessions. Innocent people would then be sent to jail according to these false confessions. I have seen many political prisoners who have had to admit to things they have not done during an interrogation because they were being tortured.

If you had a problem, would you go to a police station to get help?

No, because I don't have enough money to bribe the police. Also, if I complain about corruption, I could be sent to jail. For example, Ma Sandar who complained against the situation of corruption among the police was imprisoned for thirteen months in 2008. You can understand more about her case through the AHRC's Urgent Appeals Program.

Is there a domestic violence law in your country? If yes, what is your opinion of it?

There is no specific law against domestic violence, and Burmese women have a moderate degree of protection for their physical integrity. But violence against women, such as political imprisonment, forced labor and sexual abuse of minority women by the armed forces is one of the most terrible problems in Burma.

Interview 5

INDONESIA: Answer Styannes



“Police officers should be receiving a proper salary”

Ms. Answer Styannes is a law graduate from the University of Indonesia. She has been involved with civil society issues and has worked for The Community Legal Aid Institute in Jakarta.

What do you think of the policing system in Indonesia?

If I had to describe the Indonesian policing system in one word, that word would be ‘unprofessional.’ The word ‘unprofessional’ speaks to a number of problems within the policing system, such as corruption. The Indonesian police are highly corrupt. For example, Indonesian law requires that all drivers wear helmets. If the police find that a driver is not wearing a helmet, they should bring the driver to a court of law where they can decide how much the driver will have to pay in fines. But in Indonesia, you can just pay off the police and then you won’t have to attend any trials. So even for such a simple thing, for a small amount of money, the police can be bribed.

Do you know of any direct corruption cases? Or do you just hear of them from people? There is a case where 13 workers working in a gas corporation were arrested and detained because the company believed they decreased the volume of a gas tube. The police and prosecutors ask them to pay money; some of them were asked to pay 5 million rupiahs, others were asked to pay 7 million rupiahs. The total amount of money they had to pay came to 100 million rupiahs, which is about HK\$ 10,000. The police and prosecutors promised them that they would be released, but they did not do so.

Why do you think police are corrupt like that?

I think there are several reasons, but one of the factors is they aren’t well paid, so they need to earn a living through bribes. I don’t know the exact details of their salaries, but I

think compared to other jobs, it's quite low.

To your knowledge, do the police in Indonesia torture people?

Since I work at a legal aid organization, I have met a number of clients who have told us that their family members were arrested, detained and tortured during their detention. Then they come to us and ask for help in filing a bail request to the police so that their relative can be released.

Among ordinary people is there a feeling that if you are arrested you will be beaten?

Yes. I think if you ask people, they will say that it is unjustifiable, but they still see it as a common practice. It is a well-known fact in Indonesia; if the people arrest someone, there is a 95% chance that they will be tortured.

What is your own personal view of torture?

I completely disagree with the use of torture by police. As human beings, we have the right to not be tortured. It is the obligation of the police to help us feel safe, but instead the police create fear by torturing people. The use of torture in Indonesia shows how unprofessional the police are. They have an obligation to collect information and evidence when they are investigating a case, but they won't bother to do these things properly. Instead, they want to take shortcuts. They torture people because it is easier and faster to get confessions this way than to search for information, evidence and find witnesses.

What have the courts and government done to try and stop this?

The courts and the government say that they condemn torture; that's why they ratified the Convention Against Torture (CAT) in 1998. Recently, the Chief of Police enacted a regulation prohibiting police officers from using torture. But that is their only effort. Their only effort is to create good laws. But this is only part of the solution because torture is not considered to be a crime in Indonesia. In the Indonesian penal code there is a provision on assault, but it has some different elements to the torture defined by the CAT, so it is difficult to charge police this way. Why? Because the monitoring mechanism is weak in the police. So if they want to file a complaint about torture, they have to file a complaint through another policeman, and it's almost impossible that the police would report on their own colleagues.

Are there any independent places where people can make complaints?

There is a National Police Commission, but their power is limited. There is also an Internal Disciplinary Unit, but they are an internal mechanism of the police so we can't

expect too much there, because the process is not transparent. It can't be monitored.

So if someone makes a complaint, will other police officers get to know about that complaint, or does no one even complain about police torture?

In most cases I've found that people are just too scared to complain. It's not just that they are afraid, they are also skeptical; they don't think there is any use in complaining because they don't think the police will follow up. So it's not just that they are scared, they have no faith in the policing system.

What can the police do to improve this?

There are several things. Firstly, police officers should be receiving a proper salary. Secondly, I think it is important to have strong monitoring mechanisms. The process in the Internal Disciplinary Unit in terms of complaints must be conducted transparently. We also need independent external monitoring to evaluate the police's work. We have a National Police Commission but their authority is limited. They have the authority to accept complaints from the public but they have no right to do anything about it. I think the police should receive be educated on human rights issues too.

Are there any civil society organizations that are trying to press the police to become better?

I think all civil society organizations, especially those which are concerned with legal reform push for police reform as well, but there is one organization called Indonesian Police Watch which specializes in this issue.

Are there any laws against domestic violence in Indonesia? How are they implemented?

We have had laws against domestic violence since 2004. In general, if someone complains to the police about domestic violence, the police will conduct a good investigation and the prosecutor will conduct a good prosecution because they have a special task force at the Attorney General's Office which focuses on this issue. But I'm not sure that a lot of Indonesian women would file cases of domestic abuse. My organization, Community Legal Aid Institute, conducts legal and human rights education for different communities, and domestic violence is one of the issues we discuss. Usually, when we make a presentation, peoples' first reaction is that domestic violence is bad and that perpetrators of domestic violence should be punished. But if we ask them whether they would consider filing a complaint with the police if they themselves were victims of domestic violence, then they say they don't want to because it is a private issue. They

think, this is my problem, not the governments,' it has nothing to do with the state. Also, many of the women who I have met say that if their husbands were abusive, she would want to live separately from him, but she wouldn't want to cause any harm to her husband. For them, divorce is a proper solution because they see domestic violence as a private issue and they don't want any harm to fall on their husband.

If the situation is so corrupt on most things, how come it is not corrupt when it comes to issues of domestic abuse?

I'm not saying that the police are not corrupt at all with these issues. But maybe compared to other crimes, they handle cases of women and children a bit better than the rest. They pay more attention to the issue because they have a special unit for women and children and the AGO has a special task force to deal with gender issues. Of course, there is no guarantee that the police and prosecutors will work well with women's and gender cases but these cases attract more public attention (including funds from foreign institutions) than what are seen as 'ordinary' police cases. This is another problem with the police in Indonesia: they're so picky about cases. The police only work seriously on cases which will allow them to gain a lot of money and media attention. Like the case which allegedly involved two KPK commissioners, Chandra Hamzah and Bibit Samad Riyanto, the police worked very hard and seriously, but with the rape case of a young girl that I worked with, it took more than one year for the police and prosecutors to investigate and bring the case to court.

So in the AGO, there's a special task force for gender violence?

Yes. Not only domestic violence cases but gender and children issues.

Is it effective?

Again, I think it depends on how exciting the case is to the police, and whether it will garner media attention. I have only worked with this task force once when I handled the rape case of the young girl. Because the prosecutor of the case didn't bring the case before court, we sent a letter to the task force of the AGO urging them to pay more attention to this case. They never replied to our letters but not long after that, the case was brought to trial.

Is there anything else you would like to say?

I just want to say something else about the policing system in Indonesia. When I said they were 'unprofessional' before, besides being corrupt, this also refers to their picky attitude where they will only work on certain cases. Also, they often use excessive force,

especially when it comes to cases of suspected terrorism. There are some people who are suspected to be terrorists and are shot. Some of these people were innocent and mistakenly recognized to be members of terrorist organizations.

So there are also allegations of extra-judicial killings?

I guess so. For example, police recently shot a terrorist member to death in Cawang even though he was unarmed and was not doing anything suspicious at the time.

Interview 6

SRI LANKA: B. Yvonn



“People don’t want to go to police stations even when they have a problem.”

Mrs. B. Yvonne is a 34-year old mother who resides in Kandy. She had to visit police stations due the robbery of her household items. She talks here about the lessons she learned.

What do you think about the policing system in your country?

There are good laws but they are not implemented by the police. The officers may record a statement, but by the next day, this statement has completely disappeared. The law is not properly enforced in this country; anybody can make the law virtually disappear. Now I will give you an example: someone stole all the belongings in my house, and my husband and I went to make a complaint. When we went to the crime division of the police station, they told us that they could not record this and told us to go to the section on small complaints. When we got to that section, they sent us back to the crime division and like this we were sent up and down many times before someone recorded our statement. After one week had passed, we found out that nothing had been done on our complaint. So we went to make inquiries and found that there was no record of our complaint in the police's books. Something had happened to the record. This is the type of thing that happens in the police stations.

What do you think about the use of torture?

If we were to examine ten police officers, it is unlikely that we would find even two that do their job properly. The police can turn a good man into a bad man. For example, suppose there is a small transgression. A policeman might try to find out what happened if he wants to help the transgressor correct his wrongdoing. Instead, what often happens is that the blame is placed on someone who has accidentally become involved in the issue, some innocent person. The police know full well who the criminals are and who

is innocent, but frequently it is the innocent that the police place these problems on. These people are then put in prison and when they are released, they are extremely angry people, and often it is then that they become criminals. When people have been tortured, beaten and punished for crimes they did not commit, they come to hate everything and they hate the law as well. This turns them into completely different people.

The police should stop torture, harassment and ill treatment because it really doesn't help anybody. The law should be used to help people, to understand their problems and to reform them and do something good for society.

What are your views on the public relations of the police?

People don't want to go to police stations even when they have a problem. People who go to police stations have to go numerous times before their complaint is finally recorded. The police will keep asking people to return on another day. The complainants attend hearings, but the accused are never produced. In this way the complainants are constantly harassed.

Today, when people see a policeman 100 metres away, they become upset. That is how big the distance is in the relationship between the people and the police. If there is to be a good relationship between the public and the police, there should be proper implementation of the law. When the implementation of the law is poor, the relationship between the police and the people is also very poor. If the police do their job properly, people will respect them and their impression of the police would improve.

If you have a problem would you go to a police station to get help?

I don't think I would have any security if I went to make a complaint. In fact, as I have said earlier, I have made complaints to the police station. But they have never acted on the complaints or done anything positive with these complaints. I feel deeply discouraged and demoralized because of the way the police have dealt with me. I am discouraged about the law itself.

Is there a domestic violence law in your country and what is your opinion of it?

If there is a law to help families, that law should help to solve problems between people. If the law favours men, then what happens is that there is a separation of the parties. If the person who is at fault is assisted by the police, who then harass the victim, then there is injustice. That is the kind of thing that happens. It is not because the law is bad but because the enforcement of the law is bad. The officers who enforce the law are not good. Let us say that we take some action about a family dispute by going to court. What

happens? We have to pay so much money to the lawyers and have to go so many times over many, many years. It is because of this that people become bankrupt. It is far better to settle problems through discussions, but not through this kind of system. The law must be able to solve these very complex problems, but it appears that the law as it is today is only there to harass people and if you try to use the law to solve a family problem, the situation becomes even worse.

Interview 7

SRI LANKA: Thamara



“Sometimes people react favorably to the police for good work that they do.”

Mrs. Thamara is a mother who had to go to a police station to report a case of domestic violence.

What do you think of the policing system in your country?

In any police station, there are good officers and there are bad officers. Due to the bad behavior of many officers, they are all thought of as being bad. This is the impression that everyone has: that all police officers are bad. I think the policing system should be changed. A woman finds it difficult to go to a police station alone. When she does, the officers make inappropriate jokes and generally behave badly. We go to the police stations when we are in difficult situations, and often the reactions of the officers don't make us feel any better. So I think there should be changes in this system. Police officers who do wrong things should not be allowed to work as police officers. Right now, they may have to endure small punishments for wrong behavior, but there is no lasting change in how they act, and they continue to serve as police officers. The job of the police is to catch wrongdoers and punish them, but they themselves do wrong things and they are not punished. This doesn't make sense. Those officers who do wrong things should not be allowed to continue working as police officers.

What do you think about the use of torture?

The issue of torture is something that should be talked about more. A lot of innocent people go to police stations, are taken in and assaulted by the officers. What they should do is ask questions and find out what has happened so that they can take appropriate action, but instead they immediately resort to assaulting the suspect. I don't think this is correct; I really don't like what is happening. What they should do is look into things

and then take the proper action. People have died at the police stations because of this. I don't approve of this kind of behavior.

What are your views on the public relations of the police?

Sometimes people react favorably to the police for good work that they do. But the police also take bribes and give assistance to known criminals. If I were to give them a bribe to have a person arrested and harassed, they would do that. That is not a good thing. Sometimes there are good relationships, but more often than not, they are doing bad things.

If you had a problem would you go to a police station to get help?

I can talk from my own experience here, as I have gone to the police station for a personal problem. When I went to the station, the officer who was dealing with this particular matter was not there. There was a good police officer on duty and he said: "You shouldn't come to the police station alone. That is very bad. You'd better go now and return with somebody later." As for my complaint, the police made some inquiries but they didn't do a good job on the case, and as a result there was no real justice. This was a case of domestic violence.

Is there a law against domestic violence in your country and what is your opinion of it? I went through a domestic violence dispute, so I can tell you about my experience of this law. When I went to the station to complain, another woman was there talking about an incident in which her husband got drunk and beat her. The police went to arrest the man but returned, saying that they could not find him. Later, the woman returned to the police station to complain that the man was threatening to hurt her. The police officer said to her, "But you haven't actually been beaten up yet, you are only afraid that you will be beaten up? Come back to us after he beats you up." This is obviously not the right attitude. If the woman gets beaten up, or perhaps even killed, then what is the use of the police taking action then? A woman does not go to a police station just for fun. She goes because things are very bad and she is desperate. So in my opinion, the attitude of the police in this case was not correct at all.

Interview 8

SRI LANKA: M. Pradeepa



“The system should be different.”

Sister M. Pradeepa, 34, is from Trincomalee and works at the Ampitiya Convent in Kandy where she is involved with various projects involving children and the elderly. As a support staff member at a local human rights group, she also helps to shelter and assist young rape victims who take their cases through the courts.

What do you think about the policing system in your country?

The system should be different. We were just speaking about a young girl who was raped, but when she went to the police, they didn't file a report, instead, they sent her back home. They didn't take the case seriously. They knew what they should do; they have been through police training, and they knew what their job is. There was even a female officer there and she didn't do anything. The victim was just a schoolgirl, only 15 years old.

I think the police need more training on how they should handle people when they come to report an incident or crime. They must know that they have a responsibility to protect and safeguard people. It's not just a job; they have a duty to protect people. They need training that is not only physical, they need something more organized, something that will make them change their attitudes.

I don't have much experience in police stations but I have heard people say that when they have gone to the police station, the officers were not kind or helpful. I have heard that if you knew someone at the station, they will take your case and work on it right away and you will receive better treatment. But if you don't know someone, then you have to go again and again to get your work done.

What do you think about the use of torture?

Torture is very bad. As human beings, nobody has the right to torture anybody else.

The police must find other ways of gaining information if a suspect doesn't seem to be telling the truth. I don't know how the police do things in other countries, but we should find out what people do in other places and use it to make our system better. The police should not torture people, no matter what people have done. As police officers, they must do their duty, but this does not mean using torture or violence of any kind. If a police officer tortures someone, then they are doing the same thing as the criminal; there is no difference. The police do not have the right to punish a person. The person should be taken to court, and after a judge should decide what will happen.

What are your views on the public relations of the police?

They should be respectful and kind to people. They shouldn't treat them like animals. I don't think that all police officers are like that, but in general, this is what I've heard. In any relationship, we have to show that person kindness and respect. People generally are afraid, or maybe indifferent. Nobody likes to go to the police station. Even if you go, you don't know if your case will be heard or not. If it is heard, you do not know that you will get fair treatment.

If you have a problem would you go to a police station to get help?

I would not be able to go by myself, I would ask a friend or family member to come with me. Since it's a big office, there would be lots of police and I'd need some company, so that I would have support. As a Sister, because of this garb, if I went they would treat me with some respect. They would see me and ask: "what is the matter Sister?" If I was a normal person, it wouldn't be the same story.

Is there a law against domestic violence in your country? If yes, what is your opinion of it?

Domestic violence is forbidden. I have heard that it happens, but I don't know much about it. I have heard a great deal about parents treating their children unfairly and physical punishment is one kind of domestic violence. Sometimes husbands drink and then go home and beat their wives, especially men who don't go to work.

In our society, people don't like to take their problems outside of the home. Rape cases are often hushed up by the parents to keep the family's honor. They ignore such cases because they think they can protect the family name that way. If a woman is courageous and wants to stand up for herself, she would take her complaint to the police station. She might have problems with her husband, or her in-laws who might tell her not to go.

Women who are treated badly should not keep quiet or just accept it for the peace of the family. It is not correct to accept the pain and keep quiet.

Interview 9

INDONESIA: Putri Kanesia



“When society needs police protection, the police should protect the people.”

Ms. Putri Kanesia is a human rights lawyer who lives in Jakarta, Indonesia. She has spent the past four years working on human rights issues as a staff member at The Commission of The Disappeared and Victims of Violence (KontraS) after she joining the Jakarta Legal Aid Institute (LBH Jakarta).

What do you think of the policing system in Indonesia?

The policing system in Indonesia is much better than it was in previous years. This can be attributed to the fact that the Chief of Indonesian National Police, Mr. Bambang Hendarso Danuri, enacted Police Regulation No. 8 in 2009 regarding the implementation of human rights principles and standards in the discharge of duties of the Indonesian National Police. This should be appreciated because the substance of this regulation is very good. Unfortunately, this regulation still has not been fully implemented. Last year, I had an audience with Criminal Investigation Bureau of Indonesian Police Headquarters and they admitted that it's still difficult to implement this regulation for budgetary reasons. There are so many police stations in Indonesia and it's difficult for them to disseminate this new information to everyone and work to make them accustomed to it. There are still a lot of police officers who don't even know that this regulation exists.

What do you think of the police's use of torture?

There is nothing good about the police's use of torture. It violates human rights. The right to not be tortured is an inherent right which cannot be demeaned under any circumstances. Indonesia has ratified the UN Convention Against Torture (CAT) by Law No. 5/1998 but unfortunately, the signing has not been followed up by police and governmental efforts to prevent torture. Torture, which is a very old-fashioned investigation method, is still used by police in Indonesia. It seems to me that the

Indonesian police still think torture is the only way to get confessions from suspects, because torture creates such fear that the suspects will 'be honest.' Unfortunately, this is what happened in many cases which were fought by myself and KontraS. We had a number of cases where suspects 'confessed' to having committed crimes which they had not committed, under duress of torture.

However, there is one good example of an investigation method that I've found in Palembang police station in South Sumatra. Instead of using torture, police use lie detectors to get information from suspects. Regrettably, not all police stations have lie detector facilities, it is available only in some places. Without such facilities, police officers have said that there is no easier way to get information from suspects other than through the use of torture. I think it's because they want to get the information instantly. Why do you think torture happens? Why do they think like that?

Even though the police in Indonesia are separated from the National Military, the military characteristic in police education is still very strong, as far as I know. They are still taught to use violence, which means that police officers use violence when they carry out their duties.

What is your idea of a good relationship between the police and citizens?

The motto of the Indonesian National Police is 'to serve and to protect,' and I think this is how it should be. Thus, when society needs police protection, the police should protect the people. I think this is what the ideal relationship between police-citizens would look like. However, this concept is not implemented these days. For example, instead of taking a thief to the police, many people these days will take justice into their own hands. People may beat the thief, undress, burn, and in some cases, even kill him. What does that mean? It means that society has very little trust in the police. So the reality of the situation and how it should be ideally does not match up.

If you have a problem, would you feel safe going to the police to complain?

I think it's important to remember that we can't say that all police officers are bad. There are bad police officers, but good police officers exist as well. The police did their job well in some cases advocated by KontraS while I was working with them. I have never had any legal problems myself, but as a human rights lawyer I often go to police stations and see the problems faced by people who are filing complaints with the police. There are times when people feel that the existence of police is useful; that is when the police take and follow up their complaints seriously. However, there are also times when the police are passive and do nothing to follow up the complaint. In some cases, the police impose the burden of proof on the complainant, even though it's the police's obligation to find

evidence. This is a problem; if before someone files a complaint with the police, she has to find the evidence and witnesses by herself and has to prepare money if she wants her complaint to be followed up, she is less likely to go to all that trouble. This makes people think several times before finally they file a complaint with the police. But again we can't generalize it, this doesn't always happen.

Is there a law against domestic violence in your country? If yes, is it well implemented?

Indonesia has a specific law on domestic violence, called Law No. 23/2004 regarding the Elimination of Domestic Violence. I would say that this law is quite good because it has a deterrent effect. Punishment for this offence is more severe than for ordinary violence which is regulated in Indonesian Penal Code. Domestic Violence Law is the 'lex specials,' or 'specific law,' of the penal code.

However, in the implementation of this law against domestic violence, we encounter a number of obstacles. One of the obstacles is that if someone wants to file a domestic violence complaint with the police, she also has to make a statement that she wants to divorce her husband. Thus, if a woman files a domestic violence complaint to the police, she also must be ready to file for divorce. This has become a problem because it often happens that a woman files a complaint to the police but then she will withdraw it one week later because she doesn't want to divorce her husband. By filing a complaint to the police, they want to tell their husbands that violent behavior is unacceptable; they may not necessarily want to divorce them. This is one of the reasons why it can be a dilemma for women to file domestic violence cases. So the law itself actually is good, but because this divorce requirement exists, many people withdraw their complaints. Once I had the opportunity to speak with a police officer from the Women and Children Services Unit, and she said for that because women often withdraw complaints, usually the police won't process a domestic violence complaint swiftly. Generally, they will wait for one week and ask the complainant again whether they really want to continue with the legal process or not before going ahead. So I think the obligation for complainants in domestic violence cases to divorce their spouses has prevented the Domestic Violence Law from being implemented effectively.

Do the police treat women differently from men? In what way?

In Indonesian police stations, there is a unit called the Women and Children Services Unit. It's not only for domestic violence cases but for any case where the victims or perpetrators are women. Within this unit, women victims and perpetrators will be investigated and questioned by policewomen. This is a good thing, but unfortunately not every police station has this special unit. They only have such units in district police and regional police stations, not in the sub-district police stations. In Jakarta itself, only

the Kelapa Gading sub-district has a Women and Children Services Unit within their office. Of course, this is a problem because if a female complainant files a complaint to a sub-district police station, which doesn't have such unit, she will be questioned by policemen whose gender perspective is often very bad. For example, in rape cases it often happens that police ask the rape victim: "So, you have been raped. How do you feel? Did it feel good?" For the rape victim, of course such questions make them feel like they are being raped for the second time. So Women and Children Service Units are extremely important and effective, but unfortunately they are limited to District Police and Regional Police stations.

In what way do women suffer differently from police human rights violations, as compared to men?

Let's take the examples of narcotics cases. In narcotics cases, usually the male suspects will be tortured. But for female suspects, they will face sexual harassment as well. This is not just about men and women being treated differently, but the violence enacted against women because officers know they can compromise her dignity. Not only will women face sexual harassment, she might also become the object of torture. There was a case which was advocated by KontraS in Lampung: A woman was arrested for a crime committed by her husband. She didn't do anything related to the case, but because her husband escaped, the police arrested her. She was brought from Lampung in Sumatra Island, to Jakarta which is located in different island, Java Island. During her way from Lampung to Jakarta, the police didn't stop electrifying her. In some cases, women are used by the police as bait to catch the real perpetrator, when the perpetrator is the woman's husband. I see this as an indirect kind of violence. Also, in terrorism cases, the wives of terrorist members who wear the burqa are often arrested and named as terrorists. I think this is also a human rights violation faced by women.

Is it easier, more difficult or the same for a woman to file a complaint instead of a man?

Regarding the complaint mechanism, I think it's just the same for women and men. As I have mentioned before, the problem of the complaint mechanism in the Indonesian police system is that often the burden of proof is imposed on the complainant, regardless the gender of the complainant. So I think the problem faced by men or women in filing complaint to police are just the same.

Is there any more information you want to tell us?

Yes. Indonesia now has the Freedom of Information Law, which obligates every public institution to provide information to the public. Of all the public institutions

in Indonesia, the Indonesian National Police gave the most positive response on the enactment of this law. In May this year, the Indonesian National Police enacted a Standard Operational Procedure on Freedom of Information which obligated them to share information with the public relating to police work. So with the existence of this standard operational procedure, information regarding cases, budgets etc are shared with the public. There are some exceptions, of course. For example, information won't be shared if it has the potential to disrupt investigation processes. This is also one thing we have to appreciate. Currently, KontraS is conducting research with the Indonesian National Police on the internal mechanisms of the police. Until now, if there is a torture case, the perpetrator will be processed through the police's internal mechanisms. We don't know what actually happens there, what the mechanism is, and whether they will actually be punished or not. Through this research, we want to find out how the internal mechanisms of the police work. And so far, their response has been positive. So, instead of just criticizing the police, we want to understand the problems within the policing institution.

Have you or KontraS or you tried to use this standard operational procedure to get any information from the police?

Usually, the enactment of the standard operational procedure of police institutions will be followed by the enactment of a Chief of Indonesian National Police Regulation, which regulates same thing. The draft of the Chief of Indonesian National Police Regulation on Freedom of Information is there, but it has not been signed by the Chief of Police as yet. So we can't see whether it has been effectively implemented or not.

Interview 10

SRI LANKA: Nimalka Fernando



"I do not condone torture in any way."

Mrs. Nimalka Fernando is a lawyer, presently serving as President of IMADR and Convenor of Mothers and Daughters of Lanka. MDL is a network pioneered in 1989 to develop a campaign against disappearances by women's groups and feminist activists. She made the following comments on the policing institution of Sri Lanka

What do you think of the policing system in your country?

The task of the police is to maintain law and order, and to assist the judges and lawyers in the administration of justice. But over the years, we have seen a gradual erosion in the functioning of the police as an independent institution. The objective conditions -namely the political atmosphere in Sri Lanka - are impacted by the police service, and have made it just another institution that is dominated by the politics of the day.

The police force has become an arm of the Prevention of Terrorism Act and the Executive in the sense that they are implementing the law to please the executive and the politician of the ruling party in the area, rather than assisting in the administration of justice. When the 17th Amendment to the Constitution was introduced, all political parties in the Parliament in the year 2000 approved it by consensus precisely because the politicians themselves recognized the need to deepen Sri Lanka's democratic environment, and de-politicize the police and public services.

When the Police Commission was active, for a short period we experienced a change in the police services. Finally, members of the public were able to effectively make complaints.

Today the most dangerous thing is that the Executive President is deliberately violating the Constitution by not implementing the 17th Amendment. He has turned our democracy upside down. Furthermore, Mahinda Rajapakse is trying to pull all powers

back into the centre by bringing in constitutional reforms which will remove the 17th Amendment. What is going to happen is this regime will ultimately nullify the essence of the 17th Amendment. The Attorney General and the police who should be assisting the courts in the administration of justice have become mouthpieces of the Mahinda Rajapakse government. This situation would make us lose even more faith in the administration of justice.

What is your view on the use of torture by the police?

I do not condone torture in any way. The police must adopt a scientific method to investigate crimes rather than torturing suspects. In many countries the police is seen to be a trained force with the professional capacity to investigate crimes. But in Sri Lanka, the power they have over a suspect is manifested in torture, due to the inability of the police to understand their role and task.

The situation has been further exacerbated as a result of the ethnic conflict. The police treat everybody who has been arrested like a terrorist. But it is my view that even a terrorist should not be tortured. The police today are treating petty thieves as if they are people taken under the Prevention of Terrorism Act, and these petty thieves often disappear or face torture.

The culture behind the police's present training is to eliminate the enemy. This is the ideology of the state and the government in Sri Lanka. They justify their behaviour in this way. The Sinhalese, as well as the Tamils and Muslim people from all communities, face this agony. The police have moved away from maintaining law and order and have become pawns in the hands of the government. We cannot give excuses to this brutal behavior of the police.

How is the relationship between police and the public?

What is the relationship between the police and the public? The relationship is pseudo; it is not real. There is no interaction and dialogue between the police and the public. We used to train the police and armed forces on human rights mechanisms during CBK's time. I have participated in these programs, and I am aware that human rights desks were established in these institutions. It is not sufficient to give the police training and say 'now you must protect human rights.' We could not fulfill this even during CBK times.

There is The Gazette notification which states that the police should prepare a list of those in custody by 6pm every day and fax it to the SSP of the region. Subsequently, the HRC-SL managed to encourage the police to send this list to them to assist them in their investigations. We managed to unearth this Gazette notification and distributed it

to all police stations through the Human Rights Ministry a few years ago. But the system was not implemented properly. There needs to be an interaction with the police on human rights issues and protection of human rights. The conversation today is built on a power paradigm. People are afraid to expose the wrongdoings of the police. We need to develop a healthy dialogue; we cannot do this artificially. We cannot merely liberate one institution from this abyss. Our democracy has gone to the dogs. We have to liberate the police from the clutches of the executive so that we can develop a healthy conversation. There are Civil Police Committees in certain areas, who consist of government supporters and a police unit. But I am not talking about such units. In certain areas, they investigate the political background of the committee members. They want to know who is a UNPer (United National Party) and who is a SLFPer (Sri Lanka Freedom Party). They chose those who will not challenge the politics of the day.

As for making a complaint in the police station, this is the right of every Sri Lankan citizen. Many people complain but then they inform their Member of Parliament for protection, or to expedite the investigation. Even for very personal matters, when a case is filed, people ask for the help of politician. To such an extent, this whole process has been extremely politicized. For example, when Prageeth Eknaligoda disappeared, the family - accompanied by lawyer - went to the police station and lodged a complaint. Now the family members have to go to a politician in order to get the investigation expedited.

How is the law against domestic violence implemented in Sri Lanka?

This piece of legislation was introduced after a long legal battle. The patriarchal culture within the Parliament resisted against this law being brought into practice. I supported this law because I thought it was necessary to bring a personal topic into the public domain for a discussion. Some would think that we can achieve great things by the introduction of a law against domestic violence, but this is a restraining order process. In order to bring about true punishment, we need to invoke provisions relevant to the penal code. But unfortunately, we have not been able to bring these discussions into the public domain as yet. We have not been able to place this within the larger human rights discourse. If you study the patterns of domestic violence in Sri Lanka, you will see that it is like torture. Organizations campaigning against torture have a challenge to face in this realm. There is the need to promote this law and also to raise awareness in relation to its usability.

Interview 11

NEPAL: Sabitri Pokhrel



“The issues and problems with the system are slowly gaining attention as women learn about women’s organizations who will listen to them.”

Mrs. Sabitri Pokhrel is a Nepalese human rights activist working as a coordinator in the National Secretariat of the National Women’s Rights Forum (WRF), an NGO working for the advancement of the rights of rural women. Her organization started its work in the Parsa district, in the eastern part of the country, in 2004 and has since expanded its base across 32 districts. It has over 48,000 members. The Women’s Rights Forum acts as a watch mechanism, monitoring the use of resources allocated by the state to rural women. They advocate in favor of the rights of women and have recently raised issues such as access to land and property rights. They also lobby on behalf of women when cases of violence against women are filed and they work to assist these women in seeking justice. Finally, Sabitri Pokhrel is involved in Nepal’s national network of women’s organisations.

What do you think of the policing system of your country?

On one hand, the policing system nowadays is far better in comparison to what it used to be. On the other hand, the policing system still has a long way to go. When we go to a police station to file a case of violation of women’s rights for example, the police officers often deny registering a case. Moreover, rather than protecting women, the police often pose a risk to them. We have lots of cases illustrating this in Nepal. For instance, we have found that women are often raped by policemen. Women still do not dare to move around freely in their communities. They still do not enjoy the benefits of human rights.

So, in your view, what can be done to make things better?

The main thing is that there are so many ups and downs in our government and our country is structured in such a way that crime rates are increasing and criminals are hardly ever punished. Coming back to the situation of women, their security is not

guaranteed. This issue needs to receive significant attention. A strong mechanism should be established which should promptly punish the perpetrators of violations. In our country, if any incident occurs, it usually takes a week, and sometimes even more than that, to simply to register a case. For instance, when a woman is raped, if the police take such a long time to register the case it is harder to get evidence of the crime. Moreover, the police often act in favour of the perpetrators, not punishing them but allowing their release. We have documented numerous cases on this issue. High-ranking officers or political leaders have been found giving orders not to punish the culprits and, if caught, to release them. When people are not punished for their crimes because influential people in power safeguard them, it encourages other people with criminal sentiments to commit crimes. Because of this, Nepalese women are not safe from any angle, and we feel unsafe.

What do you think of the use of torture?

The practice of torture by the police is not good in any way. To use torture to extract information for investigation purposes is totally wrong. Human rights laws assert that torture should not be inflicted on anyone, even when there is strong evidence of a person's involvement in criminal activities. Women are threatened with torture too. In court, they are asked questions in open sessions, not in closed sessions. This way of extracting information from women is totally wrong, but unfortunately that is what has been happening in our country. Due to fear, some women accept a crime even if they have not been involved in the crime. Most of the time, the police pose unnecessary questions to women who go to register a case, mostly in cases of domestic violence. They ask questions like: Why were you beaten? How were you beaten? When were you beaten? This is an insensitive way of enquiring about incidents of violence, and such questions make women feel more harassed. The way that the police speak to women makes them feel like victims all over again.

Do you have any cases that you can share?

Yes I do. Last year in Nepalgunj, the western part of the country, when Rekha Tamauli was poisoned to death [by her husband,] we held a hunger strike in front of the Chief District Officer (CDO). The police came and chased us. Some of us were mishandled and we had to run, hiding our bodies in public. (Women's bodies were exposed in the scuffle.) One might think that this behaviour on the part of the police is the optimum level of police torture. But the administration does not arrest people involved in these sorts of incidents which we have frequently faced. The other case is from Kanchanpur district where a married woman was poisoned to death by her mother in law and husband. As the government did not arrest and punish the culprits, we organised a nationwide peaceful stick rally. The police beat us using the same sticks that we carried during the protest. Often, when we go to register a case, the police use abusive words with us and will harass us mentally and physically.

What is your idea of a good relationship between the police and the Nepali citizens?

When we talk about the relationship between the police and the citizens, we cannot say that the relationship is totally bad, neither is it totally good. This is because the police are working under the influence of either the government or of senior police officers. The police should be working to help common citizens in trouble and assist them in a timely fashion. Instead, the police in Nepal are working to fulfill the demands of high-ranking officers as well as that of political party leaders. Nevertheless, in some cases, due to immense pressure from the people, the police have also worked for the benefit of the common people. So we have a 50-50 ratio.

So now let's come to you then. If you have a problem, would you consider it safe to go alone to the police station to register a case?

Even when I go there as an officer from my organisation, the officers on duty find excuses to deny registering the case and try to harass me, so how can I think about going alone? If I go alone to the police station to register a case then my security is not guaranteed. Anything can happen there, from mental to physical torture. If it is a small police station, I may consider going alone but if it is a high level police station in which a Senior Superintendent of Police or a Deputy Superintendent of Police is stationed, I would never go there alone.

So if you are in trouble, you would not consider it safe to go to the police station to complain?

No, because in a country in which policemen have raped policewomen we believe that it will not be any problem for them to rape us as well. Last year in Accham district, Policewoman Suntali Dhimi was raped by her male colleagues in the police station itself. Three of the policemen were arrested in the case, but they were not given any concrete punishment. Because of this, Suntali Dhimi resigned from her job and is currently living in Kathmandu because of security reasons.

From a wider perspective, the government has opened 15 safe houses [shelters for women victims of abuse] in the country. But the problem is that women are not safe, and are at risk of being raped, even in these houses. The case of Nirmala Kurmi from Nepalgunj district is similar. Constituent Assembly (CA) member Badshah Kurmi from the Nepali Congress killed her husband and murdered her two sons after they were admitted in the hospital using slow poison. He then stole her citizenship and property ownership certificates. After nationwide protests from our organization and other organizations within our network, Badshah Kurmi returned the citizenship and property ownership certificates to her. We have put her in a safe house located at Nepalgunj but she is still

receiving threats even inside the safe house. The government is keeping quiet about this incident and has not initiated any further steps.

Is there a law against domestic violence in your country?

Yes, Nepal has a Domestic Violence Act which was made into law in 2009. The government has slowly been starting to use it. But the main problem is that Nepalese women are not aware of the issue of domestic violence. Firstly, they do not consider what they face in their domestic life to be violence and secondly, they do not know where to report a case of domestic violence. This year, we have started raising the issue of domestic violence to increase public awareness on this issue. Among the 80 countries which have domestic violence laws, including Hong Kong, China, India, Malaysia, Thailand and Nepal, there has been some progress regarding domestic violence. But in Nepal, we still need to raise public awareness about the Domestic Violence Act. I believe that once people become aware of these laws, women will slowly start making more complaints against domestic violence. The good thing is that women have already started coming out of their homes and speaking out and taking the initiative to end domestic violence.

What about the implementation of the domestic violence law?

There is a deficiency in the complaint mechanism. The law states that the case should be registered preferably within 24 hours at the local police station. But we need to keep in mind that there are places in Nepal that are very far from a police station, and women might not be able to arrive at a police station within 24 hours of the crime. There is no guarantee that the police can arrest the culprits within 24 hours. You can take up to 90 days to register a case but in that time the case will lose its significance.

The problem is that first, hardly anyone files a case on domestic violence and secondly, the police do not work to arrest the alleged culprits within 24 hours. If the police do not arrest the perpetrators within 24 hours, the complainant must file their case again, which is difficult to do. Also, we should not forget that not all of the villages in Nepal have police stations. Moreover, many citizens do not believe that they will get justice, even when the complaint has been filed. In Jumla district, you need to walk for three days to reach a police station. How can a woman think of walking to the police station when she is not assured that she will get justice once she has complained? The National Women's Commission is in Kathmandu; how can a woman from a remote part of the country come there to make a complaint? Women do not have property in their names so they do not have the money necessary to go to these places. You can also register a case at the local administration, but the issue is that it is more or less run under the influence of the local political party. Therefore, if the perpetrators of domestic violence are involved in one of these political parties, it is highly unlikely that they will be arrested.

These are the issues regarding domestic violence in Nepal. The issues and problems with the system are slowly gaining attention as women learn about women's organizations who will listen to them. But the main concern is that women are afraid to come out and register a case because they wonder how they will be able to go back to the same house if they are not successful in getting justice.

Interview 12

INDIA: Raj Kumari Sanajaobi



“If this country is going to change, the police must change first.”

Mrs. Raj Kumari Sanajaobi is a homemaker and represents the ordinary women in Manipur state, India. She lives in Singjamei Chingamakha Yangleme Leikai, Manipur.

What do you think of the policing system of your country?

The police administration may be beautiful on paper and in the law; I don't know much about that. But what I know is that in the early days, the police protected the people, and they were trusted by the general public. But now they are not trustworthy. Nowadays, the police are a great threat to the general public because of their criminal attitude. After the implementation of the Armed Forces Special Powers Act in 1958, the number of security forces in the state have increased. These state forces act in the same manner as army personnel after the AFSPA is implemented. They even kill people for money. A huge amount of bribe money has to be paid in order to get a job in the police department. I believe this is the root cause of corruption. The people are also afraid of the police because of this immoral behavior.

What do you think of the police's use of torture?

It is not appropriate to torture any person who is in custody. If a person is arrested, they must be informed why they have been arrested; they should not be tortured. Torture cannot help in anything other than distancing ordinary people like me from the police.

What is your idea of good relationship between the police and the citizens of Nepal?

At present the relationship between the police and the Nepali citizens is not good at

all. There is no trust between us and them. The police should protect the people, not torture or kill them. Only then can citizens begin to trust the police, and then a good relationship can begin.

If you have a problem, would you feel safe to go to police and complain?

No, I would never complain to the police because I am afraid of them. Instead, I would consult other people. If I went to the police, they would ask for money. If I fail to pay, they would file false cases against me. They can rape me or even kill me. This has happened countless times in Manipur. No one was punished so far. So you tell me now, knowing this, would you go to a police station?

Is there a law against domestic violence in your country? If yes, is it well implemented? If not, what are the problems?

We do have a law against domestic violence in our country. In my opinion, in Manipur, there aren't many cases of domestic violence filed with the police. When there are issues of domestic violence, the culprits are punished by the community itself.

If a woman finds unsafe to go to a police station for a serious crime like the murder of her son because of her fear for the police, how can you expect her to approach the police with her domestic complaints? So why should she risk being raped by a few police officers just to lodge a complaint against her husband's beatings? No law in this country will work if our police continue like this. If this country is going to change, the police must change first.

Do you have anything else to say regarding the issues women face as regards to law enforcement in the state in which you live?

The people implementing the laws are not aware of the people's feelings. Cases of rape and molestation by police officers are often witnessed by the general public; mother's see their sons killed; and their daughters being raped by police officers and officials from other state agencies. No one can bear this. So the women of Manipur have come out to protest against this, and in particular against the crimes committed by the police. Law enforcers have no mercy and regard for human rights. This situation must end.

Interview 13

PAKISTAN: Taranum Khan



“No one likes to go to the police station.”

Mrs. Taranum Khan is a Program Officer at the Human Rights Commission of Pakistan in Karachi. She is a lawyer by profession and works on different issues, including violence against women. She has joined many courses from different international organizations and has also participated in the Folk School program of the Asian Human Rights Commission.

What do you think about the policing system in your country?

The policing system in our country is of the worst kind and there have been no efforts to improve it. The policing system and laws relating to the police should be changed according to the latest developments in the investigation system. I think that there should be changes in the curriculum of the police training; subjects of human rights should be included in the curriculum. If human rights are included, there should be concrete practical steps which show the officers how to follow international human rights norms.

The people hate the police because the police are highly insulting. The police generally misuse their power to implicate people in false cases, and then demand bribes. They also use violence and abusive language. When a person is arrested, the police resort to torture. The governments have not looked at reforms within the policing system. The martial law governments in particular have used the police to repress the people. Anybody who is arrested or wanted in any case is suspected of being a criminal before any investigation is carried out.

What do you think of the use of torture?

Torture by the police is a terrible thing. The police use torture so as to humiliate the

citizens. The police have always resorted to physical torture but now they have adopted new methods so that marks of torture are not visible on victim's bodies, and there is no evidence. In many cases, the police inflict injuries on specific parts of the body where marks will appear only later.

The main purpose of torture is to take confessional statements or to get money from the arrested person. In ordinary cases, the police torture the people on behalf of powerful or rich people. In the case of women, the police not only use physical torture, but have also been known to strip them naked in the police station, or use very filthy language to insult and humiliate them. And in many cases, they rape women too.

What are your views on the public relations of the police?

It will take a very long time for the relationship between the public and the police to improve, because the police have the mindset that all arrested persons are criminals. When they have such a mindset, how can one expect the police to change their attitude? The police only foster good relationships with the rich and powerful. For ordinary people, whenever the word 'police' comes to mind, the image of torture automatically appears. Proper training and education of the police is extremely necessary. Until and unless the police have a concept of human rights, they will always resort to torture and humiliation of the citizens. The police are also from the same society but when a police officer wears the uniform, he or she thinks that they are above the ordinary citizen and that to abuse this power is the only way to deal with the people.

If you have a problem, would you go to a police station to get help?

No one likes to go to the police station. The concept of the police station is a nightmare, particularly for women. Everybody is scared of the police. If anyone has to go to the police station, even for an application or verification of any document for official purposes, she or he would not go alone because they are so terrified of the police.

Is there a law against domestic violence in your country and what is your opinion of it?

In our Criminal Procedure Code, the laws against domestic violence are negligible. For example, in cases of acid throwing or burning, the First Information Report (FIR) can be lodged only if the victim has been burnt on over 65% of their bodies. For women who have been burnt over less than 65% of their bodies, no FIR can be lodged. This is highly discriminatory and gives impunity to the perpetrators. In many cases, women die having been burnt on 40% or 50% of their bodies.

Women who are victims of domestic violence by their in-laws or relatives do not report to the police station because there is no explicit law against domestic violence. The bill against domestic violence is still pending before the assembly, but lawmakers do not think that this is a national issue. Women of Pakistan need laws against domestic violence and more importantly, the proper implementation of this law.

Interview 14

INDONESIA: Dinda Yura



'The number of domestic violence cases emerged to surface is not representative of the real number of domestic violence cases in Indonesia.'

Ms. Dinda Nuurannisaa Yura holds a Bachelor's degree in Law and is currently working as journalist for HukumOnline, an online media organization which focuses its news and reports on legal issues.

What do you think of the policing system of your country?

If we're talking about law, we can see the policing system in three aspects: substance, structure, and the culture. I would say that the 'substance' aspect of policing system in Indonesia is quite good, because in 2009, the Chief of National Police enacted a regulation which obliges Indonesian police officers to respect human rights in exercising their duties. If you read this regulation, you will see that the Indonesia police's perspective on human rights appears to be very good. However, unfortunately, the 'structure' aspect is not that good because we still hear about torture cases conducted by police on a regular basis. For example, in the framing and torture faced by Mr. Aan - the latest torture case to have emerged - Mr. Aan was investigated in a building and tortured because the police wanted him to state false information.

Besides torture, another interesting issue relating to the police in Indonesia is the shooting of terrorist members conducted by the Special Detachment on Terrorism, Densus 88. Densus 88 is part of the Indonesian National Police but the Chief of Indonesian National Police's regulation on human rights does not apply to them. According to information I've received, in some cases, the police has been known to shoot people who are alleged to be terrorists even after they have surrendered. Recently in Solo, there were two alleged terrorists who were shot to death by the police, but the police didn't know their identity and who they actually were. The human rights violation is one issue in this case but another thing we need to question is the validity of information that Densus 88 has,

because they didn't even know who the person they shot was! That's what we see in terms of the 'structure' aspect of the policing system in Indonesia.

In the 'culture' aspect, it's no longer a secret that the culture of violence is strong within the policing institution. I do believe that what they are practicing now is what they learnt in the police academy.

What do you think of the police's use of torture?

In my opinion, torture is unjustifiable under any circumstances. Suspects and accused persons have the right to be presumed innocent before a court decides contrarily, so if they don't confess what they've done, the police have to find other ways - additional evidence and witnesses - to prove that the suspects are guilty.

What is your idea of an ideal relationship between police and society?

Besides maintaining security, the police has an obligation to serve society. I'd describe the ideal relationship between the police and society like this: the society should be able to place their trust in the police. If someone faces a problem, for example if she has her treasure robbed, she should be able to go and file a complaint to the police safely and comfortably without feeling any fear that she's going to be fooled or extorted by the police. What happens today in Indonesia is not like that. Indonesian society doesn't have any trust in the police and I think corruption within the policing institution is the most significant reason why such public distrust exists. It is no longer a secret, for example, that if we have our friends, family or colleagues arrested by the police then we have to bargain with the police about how much we have to pay them in order for the person to be released. It's just like what happens when we're dealing with prosecutors; we can 'order' them to charge us with the provisions we choose depending on how much money we can pay.

If you have a problem, would you feel safe going to the police to make a complaint?

This is exactly the problem. I myself don't really trust the police but like it or not, according to the law, the police is the only institution which has an obligation to accept any complaints regarding criminal cases. So for me, even if I file a complaint with the police it's not because I believe in them, but more because they are the only institution that I can go to. It's because I don't have any options or alternatives. But what I can do is show them that I understand the legal system so they won't be able to fool me. And if someone doesn't have any legal background then I think it's important for them to be assisted by lawyers when they go to the police station. Hopefully, this will minimise the possibility of the police fooling them.

Is there a law against domestic violence in Indonesia? If yes, is it well implemented? If not, what are the problems?

Yes, we have a law against domestic violence in Indonesia and I have to admit that it's such an improvement for Indonesia. Before this law was enacted, there were only a small number of domestic violence cases that came to the surface, but after this law was enacted we see that the number of domestic violence cases handled by the police is increasing. People often misunderstand this fact, they say things like, "see, after the law against domestic violence was enacted, the number of domestic violence cases is increasing!" but actually it's not like that. It's that after the enactment of the law, the police has been handling cases of domestic violence more seriously than before. For all this time, domestic violence has always been considered as private issue. It was taboo for women to speak up about this issue. But since the enactment of the law, I would say that Indonesian women's eyes are more open now, even though I'm sure there are still a lot of domestic violence cases which are not spoken about. I do believe that the number of domestic violence cases that come to the surface is not representative of the real number of domestic violence cases in Indonesia. If we see the 'structure' aspect of this issue we will also see that many police officers and prosecutors don't have a good perspective or understanding on women's and gender issues. This is just an example: if a woman files a complaint of domestic violence case, her husband will file a complaint against her for defamation. And if that's the case, the police and prosecutor will try to process the defamation case first. I spoke about this issue with a female prosecutor once, asking her the reason why, and she replied that it's easier for them to process the defamation case first! But that's not how it should work, of course. What should happen is that they should process the domestic violence case first, and if the suspect is not found guilty then they can process the defamation case, right? If the suspect is not convicted then you can say that the complainant has conducted defamation. But that is something that cannot be understood by many police officers and prosecutors in Indonesia. So this is an important problem, in my understanding, that many police officers, judges, and prosecutors don't have a good perspective on women's and gender issues. Even the female police officers, judges, and prosecutors!

It is interesting that you said 'the number of domestic violence cases emerged to surface is not representative of the real number of domestic violence cases in Indonesia.' Why do you think such a thing happens?

I think cultural factors contribute to most of this problem. Many Indonesians still think that this is a private issue. In many cases, women know about the law against domestic violence, and they have been encouraged by NGO's or legal aid institutions to bring their cases before a court, but they consciously decide not to file a complaint. If a woman's husband is arrested, detained and punished, then how will she eat? Who will feed her

family? So in my opinion, the root of the problem lies in the strong patriarchal culture in Indonesia, which results in women's dependency on men. Many people - even women themselves - still think that it's the job of men to earn money and feed the family so once their husband is not with them, they don't know what to do.

Do the police treat women differently from men? If yes, in what way?

Well, I think women and men should be treated differently, indeed. Police should implement affirmative action when they treat women. We often hear stories of women going to the police to file a complaint of rape, and the police's response or reaction is not particularly sensitive. The police might ask: "how many times have you been raped? How did it feel? Did it feel good?" So if the police treat women just like they treat men, I don't think that's how it supposed to be.

In what way do women suffer differently from human rights violations related to the police, compared to men?

As far as I know, both men and women experience ill treatment when they are arrested and detained. But I can say that for women, usually they will face sexual harassment from the police as well as mental or physical abuse. I know of a young girl who lived on the street. She was arrested by the police and was asked to take off her clothes.

Is there anything else that you want to say?

I just want to emphasize that in the end, this is a cultural problem and that's why this is so difficult. One example of this is that women often can't get access to tampons when they are menstruating. Like I've mentioned before, most law enforcement officers don't have a decent understanding of women's and gender issues. Even the female law enforcement officers themselves don't have a good perspective on these issues.

Interview 15

NEPAL: Dhana Kumari Sunar



“The policing system is still under the grip of political parties in power.”

Mrs. Dhana Kumari Sunar is a member of the National Women's Commission. She is actively involved in the defense of the rights of women in Nepal. As a member of the Dalit community, she has strongly advocated in favour of the rights of the Dalit women in particular.

What is the relationship like between the police and citizens in Nepal? The police and the Nepali citizens do not share a close relationship. Police officers have not fulfilled their duty to protect the security of the citizens and the state. The state does not train police officers for that purpose. So police officers have not developed a feeling that they should work in favour of the citizens. But to some extent, this attitude is changing little by little. The police are slowly becoming aware that their work should benefit the people, rather than repress them further. Unfortunately, influential persons and families have been influencing the work of the police and of the whole public security mechanism. Though the police's salaries and benefits are paid by the ordinary citizens' tax money, they do not have that mindset where they feel responsible for helping the citizens. Basically, there is a huge gap in terms of the lack of understanding between the police and citizens.

So how do you think the relationship should be?

There is no denying that the citizens are the main entity of any and every society. Therefore, the state should guarantee all the rights of its citizens. The police act as one of the mechanisms of a state, so they should be more responsible and take care of the citizens' rights and security. There should be an environment of cordial relationship between the police and state's citizens. Now, the sight of the Nepalese policeman inspires fear and insecurity in the people, and this should be changed. This environment should be changed and a close relationship should be maintained.

What do you think of the police's use of torture?

Though the government has ratified the Convention Against Torture and other international laws and conventions, the ratio of police torture is rising every day. The police do not have any right to torture anyone detained under their custody. Recently, the police tortured a Dalit, Sanu Sunar, to death in Kathmandu. There are numerous instances similar to this one. The police either do not know about or do not want to follow legal procedures and methods to extract information and sanction the true perpetrators instead of resorting to the practice of torture. The fact that the government has not been serious in addressing these issues is a major problem in Nepal. Why do the police still torture people in custody? Is it because they do not understand? Are we incapable of teaching them? We lack the capacity to draft and implement such laws in the country. But slowly, we should manage to eliminate this problem.

Would you feel safe going to a police station and filing a complaint if you had a problem? I read some research which said that only 6% of victims in trouble actually go to the police. What happens to the rest? Because of the people's distrust of the police and the state's security mechanism, they do not seek justice. People do not think it is safe to approach the police to solve their problems and fight for justice. The way the police think, behave and act is totally adverse to the common citizens. Therefore, common people are afraid to approach the police. Most of the time, they think it is better not to approach the police station. When they have no option but to go to a police station, they go, but they are still fearful of untoward incidents which might happen. They fear that they may have to suffer and may be punished themselves. There is no environment guaranteeing justice to the victims in the police station. So in Nepal, the police are not a citizen-friendly body.

Is there a law against domestic violence in Nepal?

Yes, we do have a law against domestic violence. We recently celebrated the first anniversary of this law's passing in Nepal. But we still need to set regulations for it. The law has not been strongly implemented. Actually, its implementation can be termed at almost zero level - a common problem in Nepal when it comes to implementation.

What is the problem with its implementation?

The main problem is that the law says that the complaint should be examined by three to four bodies, which in most cases is just not practical. Moreover, there is a problem of coordination among the different bodies. As we still need to prepare regulations for the domestic violence law, this hinders its effective implementation. The National Women's Commission has recognized the necessity of quickly drafting guidelines and promptly

implementing the law which is supported by organizations working in the human rights and women's rights sector.

How do you view the policing system in your country?

The policing system is still under the grip of political parties in power. The police lack the willingness to understand the citizens, and to respect their sentiments and beliefs. We need to raise the police's awareness about this because we do not have any option other than to reform this system. In reality, they are supposed to work for the benefit of the state and its people, so rules and regulations should be formulated to bind them to this responsibility. The police should be established as an institution which respects and gives security and justice to the citizens of Nepal.

Interview 16

SRI LANKA: Rathnayake



"I do not have a great image of the police."

Mrs. Rathnayake, 48, runs a small business sewing clothes. Her husband disappeared in 1989 after having been arrested. She filed complaints with the police and the Human Rights Commission but no authority has admitted responsibility and no investigation has ever been instigated.

What do you think about the policing system in your country?

The policing system is not independent. There needs to be significant changes in the system. After I lost my husband, I saw people involved in crimes and members of the JVP go free. I also know of innocent people who were arrested. My husband was never involved in those kinds of activities, his brothers were - but the [authorities] took him. We were sleeping, and police officers came in and took him from the house. I never saw him again.

I do not have a great image of the police. We were neglected at the station, our complaint wasn't written down until a year later and we weren't listened to. We were just dismissed. The police said "we never brought him here, you should just go." I must have gone two or three times to the Kandy Police Station and stood morning to evening outside the gate, not being allowed in the station. They would block me. I also went two or three times to another police station. They wouldn't let us in.

What do you think of the police's use of torture?

Torture should never be used. The police should never use torture because it denies people of their basic rights. If someone does something wrong, they should be punished through the legal system, not by assault. If it is used, people become inhuman; it makes

people cruel to each other. They will lose their humanity. Yes, there is a justice system in this country, but the procedures are not being followed.

What are your views on the public relations of the police?

The police don't have a good public image. Even now, when we go to the police station for some matter or the other, we have to wait for several hours and waste time because they don't do their job properly. This attitude comes from the main officials at the top. They are not interested in what is happening in other divisions below them. They are the ones that should act. Even the government needs to have more awareness about this issue, and provide advice to police officers on how to do their duty well.

If you have a problem these days would you go to the police station? We have to go to the station because that's the main step that we can take; we have to obey the law. But I would never go to a police station alone, I'm too scared. I don't trust them. I feel that I have to protect my dignity there; they never talk to us well, or speak kindly. They never say "please sit down, just wait a minute." They let us stand, no problem - for several hours, no problem.

Is there a law against domestic violence in your country? If yes, what is your opinion of it?

I don't have any knowledge about that, whether there is one or not.

Interview 17

BANGLADESH: Shamim Ara



“Nobody trusts the police as professionals that should be responsible for taking care of people’s social security, and the law and order of the nation.”

Ms. Shamim Ara is the Chairperson of the Department of Law at the Dhaka International University. She expresses her views about the issues of torture and policing in Bangladesh in an interview with the Asian Human Rights Commission.

What do you think about the policing system in your country?

In Bangladesh, we live in a democracy where our Constitution protects and ensures fundamental rights for every citizen. But at the same time it is blatantly obvious that the concerned law enforcement agencies, especially the police, do not have respect for the rule of law and fundamental rights as enshrined in the constitution. Article 27 of our Constitution says ‘all citizens are equal before law and are entitled to equal protection of law.’ But what happens in reality is that victims are deprived of the opportunities of ever receiving justice. It is a fundamental principle of law that every person is innocent before the law until proven guilty. Hence until it is proved in court with all safeguards provided by our criminal justice system that a person is guilty, he or she should not be branded a ‘criminal’ and the innocent should not be subjected to torture in remand as practiced by our law enforcement officers. Furthermore, Article 31 of our Constitution provides ‘to enjoy the protection of the law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law. Article 32 provides ‘everyone has the right to life, liberty and security of person.’ Article 33 ensures ‘safeguards from arrest and detention.’ But in reality, the police do not allow a detainee to consult with his lawyer while under arrest. As a result, victims are subjected to violence and torture in custody. In recent years, there have been at least 1051 extrajudicial killings perpetrated by Bangladesh’s law enforcement agencies. In not a single one of these cases

has there been any information available about specific legal proceedings undertaken. Torture at the hands of the law enforcement agencies of Bangladesh is a blatant violation of the fundamental rights that are enshrined in the Constitution.

What do you think of the police's use of torture?

Torture that is used as a means of investigation and to control offences is brutally used in Bangladesh. People have a right to be presumed innocent as well as a right of access to justice as is implicit in Article 31 and 32 of the Constitution. It cannot be said that this right has been dealt with by the law unless a person has a reasonable opportunity to approach the court in vindication of this right on grievance. Anyone, even a fugitive, is entitled to a legal defense when the death penalty is involved. The use of torture should not be taken as a means to keep law and order as it contradicts fundamental rights.

What are your views on the public relations of the police?

The law enforcers should behave in such a manner so that people can treat them as their friends, and fundamental human rights, which are guaranteed in the Constitution, should not be violated by their activities.

If you have a problem these days would you go to the police station? Absolutely not! Nobody trusts the police as professionals that should be responsible for taking care of people's social security, and the law and order of the nation.

Interview 18

BANGLADESH: Annie Halder



“For a woman, the police station is not a safe place at all.”

Ms. Annie Jhumur Halder is the Chairperson of the Christian Development Alternative (CDA), a human rights organisation based in Dhaka.

What do you think about the policing system in your country?

To answer this question, I need to focus on the system. The policing system is arbitrary and suppressing. It is based on colonial law and in this modern age it operates in a medieval way. The police use torture and extrajudicial killings as key tools. The policing system is corrupt and the whole force itself is a factory of corruption. The policing system is a threat to democracy, justice and peace of the country. The police should work as a law enforcement agency that enforces the law of the land in order to help the judiciary establish justice in our society. The police are a very important body that is involved in process of investigation of crime and prosecution. In criminal proceedings - from the stage of registering a complaint to the completion of investigation report - the police manipulate the facts and the process as well. They fabricate various complaints while they enforce the law, and thus, they appear as lawbreakers in most occasions.

The government is failing in its primary duty to provide the public with an honest, efficient, effective police service that ensures the rule of law and an environment of safety and security. Instead, the government is using the police as an obedient tool to suppress and oppress the opposition political party and the poor and popular who speak out against the faults of the government. Many human rights activists have been beaten and tortured by the police, the Rapid Action Battalion (RAB). It is very sad that in criminal proceedings, the police play a vital role. Particularly when the police commit torture or any other crime, another police officer investigates the case and it is not imaginable in Bangladesh that a police officer will bring a charge against his colleague. They even do

not file a case against any police officer. A recent murder case filed against Sub-Inspector Abdul Mannan with the Chatkhil police in Noakhali district, where a young man was tortured in custody and died, was the first case that was registered against a police officer by another police officer. But there is no reason to be happy with this incident because, the police did not come out of their own bad system. Rather, it was eyewash. It represents a policing system where the police prepared a defective complaint on which they took a signature from the mother of the victim; they registered the same complaint as an FIR (First Information Report) and paved the way to weaken the whole case, aiming to save their colleague from the murder charge. Ultimately, the police once again killed the truth at the very primary stage of the case.

George Washington said: “the administration of justice is the firmest pillar of government.” The governments of Bangladesh in the past did not rely on a transparent system in order to establish the truth. Instead, they used the police as their hired musclemen. They are doing the same thing even until now. It appears that a silent genocide is going on in Bangladesh due to the defective policing system of the country.

What do you think of the police's use of torture?

Torture is the result of our defective policing system; it is a failure of the criminal justice system in Bangladesh - but it is not the cause of these problems. It is the result of defective law and huge power given to the police by many black laws, such as Section 54 of the Code of Criminal Procedure, 1898 and the Special Powers Act 1974. Making an arrest is not the only thing that the police do. The method they apply for extracting information from the arrested person is barbarous, and this is the reason behind custodial deaths. Most custodial deaths are pure killings by groups of criminals in uniform. It is a way of life in Bangladesh. Abuse of power under Sections 54 and 167 the Code of Criminal Procedure, 1898 by the police is alarming although it has been elaborately discussed by the High Court Division of the Supreme Court of Bangladesh in the case of *BLAST v Bangladesh* (55 DLR, page 363). In this case, the High Court has given 15 directions to the government to follow along with the recommendations to implement by amending the Code of Criminal Procedure, 1898. Out of the 15 directions the first eight are related to the police power of arrest under Section 54 of the Code of Criminal Procedure, 1898. But the truth is this that the High Court's directions were not followed or practiced properly in any case. The police's use of force in extorting information from the accused is an abuse of Section 167 of the Code of Criminal Procedure, 1898 and is very alarming. Section 167 implies two situations: (1) when an investigation can be completed within 24 hours and (2) when investigation cannot be completed within 24 hours. The provision of Section 167 also implies that while producing a person arrested without a warrant before a Magistrate, the police officer must explain the reasons as to why the investigation could not be completed within 24 hours, and what the grounds are for believing the

accusation against the person in question. Also the police officer must transmit to the Magistrate a copy of the entries in the Case Diary in Bangladesh Police (B.P.) form no.38 according to the directives given by the High Court Bench (DLR 55, page 381) if the question of taking any detainee under police remand comes up. After examining the information of the Case Diary and the reason shown by the police officer, the Magistrate will decide whether the person shall be released at once or be detained further. This is a mandatory law which the Magistrate has to follow. But what happens in most cases is that the accused who has been badly tortured is not even produced before the court. The police seek remand for 7 days normally while the Magistrate unquestionably grants 2/3 days remand. But the Magistrate simply passes an order on the forwarding letter of the police officer authorising the police to "interrogate" the detainee, either in the police station or to detain the person in jail, even if the person is not a criminal. The non-application of proper judicial mind in view of sub-section 1, 2 and 3 of section 167 of the Code of Criminal Procedure 1898 by the Magistrate has resulted in many custodial deaths and incidents of torture in police custody. Even though Bangladesh signed the Convention Against Torture (CAT) almost a decade ago, the government still has not brought a new law forward defining torture as a crime. That is the big story regarding the problem of torture in police custody and the failure of governments, police and other law enforcement agencies.

But out of many problems, the nation was going to see the light when Mr. Saber Hossain Chowdhury on 10 September 2009 placed a private bill titled "Torture and Custodial Death (Prohibition) Bill-2009." Sadly it has been almost a year since then, but the government has kept silent and has not legislated the law while almost every day people are being tortured in police stations and many are killed by criminals in uniform who receive impunity for their actions. Torture cannot be defined as a crime without political will. The present Prime Minister Sheikh Hasina has promised many times to make Bangladesh a torture free country, but it is an open question as to why she and the vast majority of the government led by her is not taking proper and speedy initiatives to pass the bill in Parliament.

What are your views on the public relations of the police?

The police are a name of fear for normal people, but they are very useful to politicians and the wealthy. In the absence of democratic policing, the police are synonymous with corruption and in many cases, they are the real criminals, especially in drug selling. In many cases, they are the main investors in the drug business, or they earn a huge amount of money from it.

For a woman, the police station is not a safe place at all. Bangladesh has many records of where police raped woman in police custody. The police are a symbol of fear and

corruption in Bangladesh. Victims are further victimized when they go to a police station seeking help. The first problem is getting a complaint registered; the police normally discourage this at the police station or in some cases, they become over interested in filing false cases against poor people or people who are in opposition of larger political forces. In both situations – whether someone is filing a case or not filing a case - money, corruption and political connections are intertwined. When the case is recorded, then during the inquiry and investigation process, the victim and the accused are physically and/or mentally harassed. This often includes people who are not involved with the crime. The police tend to involve them to gain bribe money. The UNDP funded huge amounts of money for police reform, but still there is no notable change. I think we need an effective law, its implementation and total reformation of criminal justice system in Bangladesh.

If you have a problem these days would you go to the police station? Personally, I do not have any problems. But my observations of this system come from seeing what the people of my country face every day.

Interview 19

BURMA: Hla Win



"I have not heard about a law against domestic violence in Burma."

Mrs. Hla Hla Win is an ex-political prisoner who had been arrested because of her political activities against the military regime. Since her release, she worked for the political prisoners and their families.

What do you think of the policing system of your country?

Burma's policing system is under the military dictatorship system, so all they know is the importance of maintaining their power as much as they can. They do not hesitate to kill people individually or as a group if they think people are trying to go against them. In my opinion, the country's military leaders are very cruel and inhumane because all they know is the importance of maintaining power. In order to maintain that power, they teach their members and the civilians to obey them, but in a very brutal way. So instead of respecting their government, the people are afraid of their government; this is not real respect.

But now they have said they will hold an election to make Burma a democratic country. But how can I believe that they will hold a free and fair election because they don't even know the fundamental rights of the people? They rape people, they kill people, they torture people. I totally disagree with the election, which I do not believe will be free and fair because the election will be under their control and they will do whatever they want during the election process. To change the system is not very easy but I also think that reconciliation between political parties and ethnic leaders who can bring the real democracy to the country.

What do you think of the police's use of torture?

Using torture is a terrible thing. I was tortured by the police when I was arrested for the first time when I went to Martyr's Day. They tortured me because they suspected that I was involved in the Burma student union, or another underground movement. During the investigation I was beaten by the police because they wanted information; they beat me a lot on my polio legs. If the police do not get the answer they want, they treat people like animals. After they tortured me, I was sent to jail for three years with hard labor. When I came out from the prison, I could not work like before. In 1997, I was sent to the detention center because I had been involved in a student's movement in 1996. They tortured me by beating my legs, my face and my head for six days until I fell unconscious. Finally, I had to confess that I participated in the underground movement. Even though they know my history, when I was in prison for the first time, they badly beat me until I almost died to get information that they needed. After 18 days I was released. For me, torture is a terrible thing that people should not do under any circumstances. For me, it is worse than dying. I sometimes forget what I have to do or should do because of the pain in my head.

What is your idea of good relationship between police and citizens?

I don't think citizens and the police have good relationship. As the salary of the police is very low, they try to extort extra money from people. They are not ashamed to ask for money; for them, money and position are their priority. Their seniors keep silent even though they know their juniors are corrupt, because they are also corrupt. They take advantage of poor, ordinary people. I'm not just talking about police officers, but their wives and their daughters also misuse their power, for example, by talking to people very rudely.

If you have problem, would you feel safe to go to police and complain? As I was imprisoned once in 1989, I cannot go to the police if I have a problem. Even if I am right, I am sure I would be imprisoned as a result of my previous history with the police. Before I was exiled, I lived in a house in Yangon, which is close to the Asia Wealth bank. Unfortunately, the pipe from the bank broke, flooded and ruined the house. When I complained to the municipal committee, they said they could not do anything because it was a private problem. It was because I could not bribe them. The more that people pay bribes, the more their problem are prioritized or solved. So it's better that I solve the problem by myself.

Is there a law against domestic violence in your country? If yes, is it well implemented? If no, what are the problems?

I have not heard about a law against domestic violence in Burma. There are women's associations organized by military junta's wives, but if you need help you have to pay, or you have to register as a member which encourages the military system. Otherwise they won't help you with their problems. When I was in prison, I stayed with lepers, with prostitutes and other ordinary people who commit crimes. The prostitute told me that the police used to come and ask for money. When they couldn't give them anything, they were beaten unconscious. There are many serious problems plaguing my country which are irresolvable in a military regime.

Interview 20

SRI LANKA: Gannoruwa



“The police treat people who have money and reputation well, but they don’t treat ordinary people with respect.”

Mrs. Gannoruwa, 80, was a Sinhala teacher in a primary and senior school and she now campaigns against disappearances. Her son was abducted in 1989 on his way to school, four days after taking his qualifying exams for university.

What do you think about the policing system in your country?

The police system is not balanced. The police treat people who have money and reputation well, but they don’t treat ordinary people with respect. Some high-ranking officers are better sometimes though.

It was a small child who told me that my son had been seen being taken in a van; he had been in his school uniform. When I went to the station, the sergeant in our local police station said, “we don’t want to hear from you” and scolded me with bad words. I told him that I was a teacher, and that he should listen to me. They said “please go away” and so I went to Kandy Police Station and met the Superintendent. He called my local station and challenged them, and told them to write it down. Back there, the OIC insulted me for going ‘to the big shots.’ He started to write down my complaint on a loose sheet of paper rather than in the complaint book and when I complained, he said “please keep your mouth shut, I’ll do what I want.” I wrote down the details of the case myself and sent it to President Premadasa. I got a reply from his office and we were told that a Parliament minister from Kandy and the Human Rights Commission would investigate. But no real steps have been taken to investigate. My son was disappeared because my husband was a businessman who supported the Sri Lanka National Party.

The police cause more problems than they solve. The police should protect policies, yet they are the ones who violate them because they protect thieves and smugglers and persons like that instead. In my neighbourhood, there’s a place that sells illegal arak

(alcohol) and when I told the police they didn't even try to follow up. If a good active policeman is working in a police station and he tries to inquire about those things, he gets transferred to a rural area! That's what happened near us. There was a good officer in our area. We were seeing some reductions in the problems with alcohol and drugs in our community, then he got transferred. I can tell you endless stories like this!

What do you think of the use of torture?

Torture should never be used. When torture happens, sometimes that person dies, and sometimes they are disabled for life, or have to live with all kinds of injuries. It is not acceptable. If the police can conduct investigations without torturing, but by talking and interrogating, then Sri Lanka would have a good legal system. For example, if there is a very rebellious boy in a family, if they punish and beat him and treat him in a bad manner he will just become worse. If they can treat him kindly and advise him they he may change. Torture is bad for the whole of society.

What are your views on the public relations of the police?

I have two images. For those with money, they are treated in a fine manner. They can drive their vehicles directly inside the police station and even the OIC will get up from his chair and meet them. But for low-caste or ordinary people, it's a different story. They are treated in a bad manner. They find it hard to get help if they don't spend money. There's a boy near our house who is addicted to drugs, and he has severe mental problems now. One day he was fighting with his parents and assaulting them, and smashing up the house. Apparently, they called the police station twelve times, and were told that to get help, they would have to go to the police station first. When my daughter called to say that she couldn't leave her children at home to go to work because they were feeling insecure, then only finally did they come; I think because we have a better reputation.

If you have a problem these days would you go to the police station? [Laughs]. I would never go back to a police station after our incident! And my children are not allowed to go either! If I see them in the street... well ... [stamps her foot].

Is there a law against domestic violence in your country and what is your opinion of it?

I know that there is a law. It's like this: some men try to show their power and normally, the women keep silent. I even had this problem in my house with a family member; my daughter was assaulted by her husband. She beat him back with a pole! But there were so many violations that she made a complaint with the police station, but as a civil case, for maintenance of the children after they separated. That was in 2007 and 2008. We weren't aware of a domestic violence law then. But I know now that there is one and that it's new for us and people are not aware of it.

Interview 21

PHILIPPINES: Josie Obguia



“My idea of a good relationship between policemen and citizens is that the police officers have changed their image and that people can see that they can be trusted.”

Ms. Josie Obguia is a Bachelor of Arts major in Mass Communications (AB Mass Com) from the University of Mindanao, Davao City. She now lives in Manila working as an out-sourcing agent.

What do you think of the policing system of your country?

Based on my personal experience, most policemen lack a sense of urgency, especially if your complaints are about a robbery or something like that. If you know someone in their office (police station), they might treat you a bit better. Most of them would act better if there was a (video) camera, for instance in investigative TV shows like 'XXX' or 'Imbestigador' (two popular local television shows), they behave better during those times or when they are interviewed. My first experience (with the police) was when my necklace was snatched. The police showed no interest about my complaint. The second time was when I accompanied a friend who was complaining about a woman (an overseas job recruiter) to whom she had done business with. This woman was the one processing her visa for Qatar. After my friend gave her payment to her, she did not show up. So we had to report this to the police. It so happened that a mutual friend was close to someone at the police station where we reported so we were accommodated nicely. Yes, I think it has to be different. For me, they (the police) should treat all complaints seriously.

What do you think of the police's use of torture?

I saw in the news that there are some policemen who torture accused robbers and snatchers. There was even a policeman who was caught on video beating an accused person. He

did not know that the neighbor of the accused had a video camera (and recorded the incident while he was beating the victim). This was reported to his chief officer who promised to investigate.

I don't think any kind of torture is good. It does not show respect for human life. A little force may be necessary, especially for stubborn guys; those who are accused of having weapons, or are physically stronger than the policemen, but not to the point of hurting them.

What is your idea of a good relationship between the police and citizens?

My idea of a good relationship between policemen and citizens is that the police officers have changed their image and that people can see that they can be trusted.

Follow-up question: How do you think they can "change their image"; how should the trust of the people be gained?

To be honest, I don't know how changing their image can be achieved. Maybe this could be done after a massive change of the whole police system, or maybe it should also start for the government. I'm not sure where to start. For me, the trust of the people can only be gained if we see even a little improvement.

If you have a problem, would you feel safe going to the police to complain?

To be honest, I'm not sure. I think I'd still go to the police just to have it (the complaint) documented. With the police themselves, yes, I still feel safe with them, especially when I go out at night to work (out-sourcing center agents like her work during nighttime or as they call it, the 'graveyard shift.') When there is more police visibility, there is less crime! But I just don't have enough trust with them when it comes to investigating a complaint or solving murders.

Follow-up question: How would you reconcile, while you do not trust them in terms of investigating complaint, but you still report to them?

Maybe I am still hoping that there will come a time that these policemen will be fully equipped to solve cases and that is why I will still report to them for a police blotter (local term of recording complaints at the police station).

Is there a law against domestic violence in your country? If yes, is it well implemented? If not, what are the problems?

I'm honestly not aware if there is domestic violence law. But I'm aware that there is a women and children's helpdesk in every police station. They say that this is a helpdesk for abused women and children.

Follow-up question: Do you know of any rape victims, victims of sexual abuse or assault who made complaint to the police? What happened to their case/complaint?

I don't know anyone personally but I have seen victims on TV documentary shows. Most of the cases are solved with the help of those who are behind the show.

Follow-up question: When you say "solve", what do you mean?

Meaning the suspects was caught or convicted for their acts.

Finally, do you have any thoughts about the police that I have not asked?

I'm hoping that with the new administration (the Philippines held its general elections in May 2010 and has elected a new President, and appointed new officials in national and local positions), there will be improvement. I hope there will still be some good policemen.

Interview 22

Nepal: Sharmila Lungeli



“Inflicting torture is their (Police officers) routine behavior.”

Mrs. Sharmila Lungeli has been working with Nari Bikash Sangh (Women's Development Center), an NGO bringing education, health and advocacy services to women in need in 12 districts of Nepal, since 1991. She entered the organisation as a Motivator and is now working there as a Social Mobiliser in the women's upliftment project, in which she is overseeing five different villages in the Eastern region.

Could you please tell me about your organisation's work?

My organization works for the empowerment and strengthening of oppressed, marginalized and ethnic women. We identify different locations which lack basic amenities and have a minimum standard of development. After this survey, we select those locations in which the presence of the government and of civil society organisations is the weakest. Then we organize a discussion programme with the inhabitants to inquire about their status, living, means of survival. We design the programme format according to the consultation and suggestions from them, for their empowerment. Different skills and income generating trainings are proposed to them so that they can improve their socio-economic conditions. They are also offered adult education programmes to teach them how to read and write.

What do you think about the policing system in your country?

Although the Nepali police are supposed to be the protectors of the law in the country, in reality, they are its violators. This should be changed. The law in Nepal is in the grip of those who have power, money and reach. For the poor and for women, the law and the police are not accessible and most of the time remains silent. The law seems to be only for the influential people. When we take up the cases of common women, the police turn to

us in derision. The police disclose sensitive issues to the media which hamper the image of the victim in society. The sort of practices that exist in the police stations should be changed.

How do you think this can be improved?

I think that there should be lobbying activities before the police stations and local government authorities. We once organised a protest against the abusive words the police use with us whenever we go to the police station to register a case. After having held a discussion with the senior police officers, they stopped using abusive words against us. This gave us a clue that when the directive comes from the senior officers, the lower-ranking officers follow the orders without difficulty. So we should try to talk directly to the senior police officers in order to regulate the functioning of Nepalese police. There should be initiation from the higher levels on these issues.

What do you think of the police torture in custody?

No, this is definitely not a good practice. Whenever we go to a police station regarding some cases of torture inflicted by the police, we learn that the police were bribed by influential people. The police only run after money. We have never found a police officer who was willing to assist a helpless woman who desperately needed justice. When police officers are given a bribe, they become ready to help the women victims, otherwise they just neglect them and seek excuses to drop their cases. Whenever we go to advocate in favour of the women victims, they treat us like mad people. But this kind of behavior has not prevented us from advocating on behalf of women.

Did you find any difference between police torture on men and women?

The police inflicting physical and sexual torture on women. Take the case of Sapana Gurung from Belbari, Morang district, for example. When she was living alone with her children while her husband was working abroad, some policemen came to her house in the middle of the night and asked her to open the door. They pretended to be injured and very thirsty. Their tone was very friendly, almost like the one of a closely related person. After they had asked several times, Sapana opened the door to have a look. Instantly, they caught her hand and pulled her out. They took her to a nearby river and raped her. She fell unconscious and the police officers took her to a local hospital. As the doctors were unable to treat her, she was taken to B.P. Koirala Hospital in Dharan. When the local villagers demonstrated in front of the police station to condemn this abuse, six people were killed and dozens injured as the police started firing indiscriminately. This sort of incident is normal when police officers are involved.

When we go to the police station regarding a case involving a woman, instead of dealing with the case privately, the police officers disclose the information to the public and the media, which ultimately affects the victim woman and makes her suffer more. Inflicting torture is their routine behavior.

How is the relationship between police and the citizens?

In my opinion, the relationship is not good. There is no coordination. Among the general public, and particularly among women, the belief in the police is very low, near zero. We cannot consider going to the police to register a case of violation of women's rights, especially when something happens within the household, as the police officers, mainly male police officers, act in a very rude manner.

But of course, the relationship of police officers with those in power, those who have money and influence is good. The officers support those people without any questions. In this context, although we try to maintain a good relationship with the police, it is a tough job for us to do so.

If you have a problem, would you consider it safe to go alone the police station to register a complaint?

No, I do not consider it is safe to go alone to a police station if I have a problem because I have seen different cases such as Suntali Dhami's and Sapana Gurung's, and I also know that police officers have been using girls, pretending to love them and then dumping them after a span of time. These sorts of incidents happened in almost all the regions of Nepal. No matter which problem I have, I would never go alone to the police station and if I do go, I would go with a group of friends. I do not have the courage to go there alone after learning about these incidents. Our society has a patriarchal structure. If a woman goes alone to the police station and if something happens to her there, the society will not help her and will instead blame her for going alone to a police station in which there are many male police officers.

Does Nepal have a law against domestic violence? If yes, is it well implemented? If no, what are the problems?

Nepal has a law on domestic violence but it is not effective because it lacks an implementation strategy. When victims of domestic violence go to the police station to file a case, instead of getting justice, they are shouted at by the police.

In cases of child domestic workers, if they are abused and beaten, the police often do not punish the culprit and instead say to the parents "when they are sent to work in others'

houses and they make mistakes and get beaten, why are they complaining? If the parents are so worried about their children, why do they send them to work in others' houses?" The mindset of the police officers should be changed, and the law which has been in existence should be boosted by formulating regulations.

Interview 23

PHILIPPINES: Dorris Cuario



“There is a law protecting children’s rights and advocating against violence against women, but these laws are not widely implemented.”

Ms. Dorris Cuario is the Secretary General of Karapatan-Southern Tagalog region, a local human rights organisation. Dorris has been involved in human rights work for many years. In 2008, police officers in Mindoro Island included her name as one of the accused in a fabricated charge of the murder of a police officer. The local court later dismissed the case.

What do you think of the policing system of your country?

In the Philippines it is said that there is democracy in policy, but that for a long period of time, the laws that envisage human rights cannot guarantee that one’s rights are protected. There are a lot of laws which fail to protect the people, such as those coming from the lower classes in our country, particularly the minorities. While there are laws which do protect the rights of the people, they also have loopholes which ultimately make it meaningless for the people. For example, Article III of the Philippine Constitution (Bill of Rights) but in reality what happens is exactly the opposite. There is no democracy for the poor. Democracy only applies to the rich, politicians, the armed forces and the police.

What do you think of the police use of torture?

Torture is widespread in the Philippines. The police and the soldiers of different regimes have been doing this for a long time, particularly against the people who fight for the rights of farmers, workers and other sectors who want change in the society in which they live. Those in the government are using torture to suppress the increasing dissent of the people. We have wanted a law against torture because it is against the eyes of men and of God. However, this was never considered a priority because most government officials

are the ones violating this. They are doing it to prevent people from rising up or fighting against the personal interest of the country's political way of life.

What is your idea of the relationship between the police and citizens? In the Philippines, for a long time now, there has not been a good relationship between the police and soldiers. This is because of their graft, corrupt practices and their involvement in criminal activities, like illegal drugs, selling illegal firearms and being used as the private armies of big political dynasties, like in the Ampatuan Case. (In which over 50 people were massacred on the island of Mindanao). They are also involved in the killing of known activists in the country. Most of those involved are being promoted instead of being charged and prosecuted; and they are also given awards by the president of the country, as in the case of General Jovito Palparan under the regime of President Gloria Arroyo.

If you have a problem would you feel safe going to the police to complain?

It depends on the situation: if you are complaining against influential people in the country (businessmen, landlords, the President and the administration) I would not trust the police, because most of them are appointed by the winning President or politicians of the country. While this law remains, there can never be any guarantee for the security and safety of the Filipinos who are poor. Until the police and the soldiers serve the people in a real sense, they will not obtain recognition from the people for their services.

Is there a domestic violence law in your country? If yes, is it well implemented? If not, what are the problems?

There is a law protecting children's rights and advocating against violence against women, but these laws are not widely implemented. There are many cases of child labour and abuse. That is how laws are implemented in our country, but if the law guarantees the interest of the society (not to the disadvantaged) like the imposition of the E-VAT (Expanded Value Added Tax) and other laws, they are swiftly implemented. But the laws that fulfill the wishes of ordinary people who are experiencing hunger, poverty and abuse of their rights are not effectively implemented. The law and policies of the country should not be treated as an issue of class.

Interview 24

SRI LANKA: Weerasinghe



"I have absolutely no faith in the police and I don't care about them."

Mrs. Weerasinghe, 63, is Buddhist woman who has a small business selling bed sheets. Her sons were 16 and 17 when they were arrested in 1989, but the family was never able to find out what happened to them.

What do you think about the policing system in your country?

I have absolutely no faith in the police and I don't care about them. My two sons were taken by the police for revenge on a personal matter. They were taken in the middle of the night when we were sleeping. The police arrived and said that they needed to take the boys in for questioning; they were with some civilian thugs. My husband went to the police station in the morning and he could see that two of those people from the night before were there. We found out that two other boys had been taken that night with my sons. But [the police] never took any of our statements, or wrote down anything. They just said "we weren't involved and they aren't here." We went to the station two or three times, then to the main station in town where we could see that young boys and girls had been arrested there. They were being kept there, and we heard, even in a nearby college. People would go there to try to find their sons and daughters. But we were not allowed to go inside; we could only see in from the outside. We had personal contacts with some officers, and they told us that the boys were taken about a matter in which my son had questioned and argued with a bus conductor. Some of our village council elders had problems with us as well. I hear that the police officer who the conductor spoke to got a promotion. Some police officers work for money - for bribes. They would tell us that our sons were here or were there if we paid them. We had to sell our properties.

What do you think of the police's use of torture?

It should be prevented. In those days, we parents got to hear from each other that they were cutting [the young detainees'] hands and putting salt and chilli powder onto their wounds; some people I know said they could hear shouting and crying inside the station. We got to hear a lot more about how the police tortured the people inside, and how sometimes they would be drunk and laughing. I think that although torture is taking place now, it's not as bad as it was back then. But I know that even now it is happening. If the government can pass a bill and they can get a policy to carry out investigations without assaulting people, by taking statements or interrogating without using torture, then things can change. I think that higher-ranking officers should pressurise lower-ranking officers not to do this. I know there's a law against torture because now I have seen books and posters from NGOs.

What are your views on the public relations of the police?

The police treat poor people very badly, and so the people don't have any confidence in them. I know how they treat people who have power, too. They need to treat people equally. I can't say that the police are getting better, though I suppose this time period isn't as bad as 1989 or 1990. It would be good if they could make more reform within the system. I don't think police officers can ever be punished because they are the worst people, and the police don't punish other police! So I would recommend that more training happens.

If you have a problem these days would you go to the police station?

I would go to the police. I'm not scared of them anymore and I have the courage to go. I would not expect much help, but there is no other choice.

Is there a law against domestic violence in your country and what is your opinion of it? I'm not sure about that.

Interview 25

NEPAL: Rachana Bhattarai



“Women who were beaten up by the police still express anger when they talk about it.”

Mrs. Rachana Bhattarai is the Executive Director of the Women's Rehabilitation Center-WOREC Nepal, a national NGO which has been working in favour of social justice and the rights of women since its creation in 1991. WOREC has been leading campaigns to stop violence against women and encourage economic, social and cultural rights. As part of their violence against women campaign, Women Human Rights Defenders networks have been set up in almost every district of Nepal to assist women survivors of violence in achieving justice.

“When we report cases of violence against women at police stations, we see that the way the police behave towards women is not very considerate; the way they deal with the women, the language they use is something that one cannot tolerate. They use abusive language and women who have survived violence are not comfortable going to the police station and reporting their cases. They would rather go to a women's group to report their cases instead of going to a police station, because the police are not very sensitive. The police ask questions in front of everyone and women do not feel comfortable expressing their experience in such a public space. As I told you, they would rather chose a women's group to express their feelings, express their pain and express the level of violence they have undergone.

I guess such groups are not available in all the regions.

WOREC has WHRD networks in every district. Right now, we have reached 72 districts in Nepal; there are only 3 districts left where those networks have not been formed yet. In most of the districts, our networks are very active and women feel more comfortable - especially those who are survivors of violence - reporting cases of violence to the WHRD

network rather than going to the police station. In some of the districts, the police officers themselves have referred women to our network. So, I don't blame all the police officers for not acting positively; in some of the districts we also have some very good police officers. But in most of the districts the language police officers use is very abusive and it's something that cannot be tolerated by women rights activists.

So would you say that there is an increase in this kind of behaviour? Are police officers becoming increasingly sensitive to this issue?

Some of them are, yes, but most of them are not. Their sensitivity is very important. Nowadays, we have also started training police officials on gender-based violence and so something is taking place; some positive steps have been taken. Let's hope that in a couple of years, most of the police officers will be sensitive in terms of asking questions to those who are the survivors of violence and have undergone other such difficulties.

How do the police officers behave towards women human rights defenders?

It depends upon the police officer: in some of the cases, they do act positively, but in most cases, they are not particularly respectful of women human rights defenders. We had an incident last year in Sunsari District in the eastern part of Nepal when women human rights defenders went to file a case of a girl there; the police did not treat them positively. The police asked these women human rights defenders to go back home and cook good food for their husbands and be loyal to their husbands, rather than coming to the police station to report such minor case. So the women human rights defenders became very angry and there was a kind of dispute. It was sorted out later on, but the police didn't react positively. It was a very painful incident. There was physical violence that took place also, the police officials started beating those women and pulled their guns out. It was an aggressive, uncontrollable incident which took place within the police station. It took us almost a week to get it settled down.

How did you calm it down?

We informed other international organisations; the office of the High Commissioner for Human Rights, as well as local organisations working on human rights issues. We also had a press conference, where we informed journalists about what had happened. It took us almost a week to calm things down. It didn't settle down 100%, but the incident was taking place in a very aggressive way, and we tried to settle down the aggression as much as we could.

More generally speaking what kind of remedies would women have in this kind of situation? Can they hope to get some redress?

It is difficult to say that women will get justice in this kind of situation, even in the case of women human rights defenders, because the circumstances make it difficult to get justice. Those women who were beaten up by the police still express anger when they talk about it, because they are not happy with the way the police treated them. They still have that anger; they still have that fire inside them. Women everywhere are not treated equally, especially women human rights defenders; they are not treated equally and they do not get justice. That is how this whole movement is taking place; women are also isolated in the mainstream human rights movement. They are not well recognized, they don't have their work identity, so the situation is not very positive.

Would you say that what happened to those women is symptomatic of the behaviour of police officers who treats women differently to men? That is one example, but it applies everywhere. Nepal is a patriarchal society where women are always looked down upon, so they are always kept in a lower position than that of their male counterparts; they are treated like second-class citizens in their own country. You can see the implications of this everywhere; in government offices, in police stations, in organisations. It's everywhere even though we project the idea that we are in a transition phase. We say that Nepal is moving in a new direction, but our old concepts, our old attitudes of treating women have not changed as yet. We are still repeating the same kind of behaviour. If you go to government officials, you will see that bureaucrats treat women in the same way they have been treating them before. In terms of attitude, nothing has changed, I would say. It is not only new policies that will make change; the first thing is changing your own attitude and only then will other things will come up. The police is one of the parts, but as I told you even in organisations, even in government offices, even at the policy level, women are still treated as second-class citizens. The situation I told you about is an example of the kind of incidents where women human rights defenders are not treated equally. Because our attitudes are guided by patriarchal norms and values, those values reinforces these kinds of incidents.

Do you think that all the transformations taking place now can bring change to the condition of women?

To some extent it will, in terms of policies, but in terms of changing our own attitudes and behaviour, it will take a long time; changing attitudes and changing policy are two different things. Even if we have those changes in the policies, nothing will happen unless we have the same changes in our own attitude. Change in policy is very important, we cannot that deny that fact, but the change in the attitude is the most important aspect and it is not going to happen overnight.

Has the law against domestic violence been well implemented? Has it changed things?

No, it hasn't been implemented well because there has to be a regulation to implement that law, and the regulation is still under the preparation process. The regulations have to be ready to actually implement that domestic violence law.

Did the fact that such legislation was enacted encourage women to speak out and encourage police officers to take up such cases?

Well, there are still many loopholes in that law. It only speaks about domestic violence, but violence against women can take place anywhere, in public places, anywhere. That law is only for the violence that occurs at the domestic level. It is still a very positive step, we cannot deny that fact, but there are still many loopholes within that law which need to be addressed properly. The activists are raising their voices against those loopholes, and they are saying that the law needs to be amended. Let's hope that this process will take place. But the law is there, it hasn't been implemented as yet because the regulations are still in the preparation process. The law was passed by the CA a year ago, but still we are not in the process of finalizing the regulation; the process is very slow. Let's hope that after this law is passed, the implementation process will be able to work towards solving domestic violence cases. Let's hope that there will be a mass sensitization process of the police officials which would help the women who are survivors of violence to come to the police station without any hesitation and report their case.

Is there anything you'd like to add?

The government of Nepal has also declared the year 2010 to be the year where they focus on eliminating violence against women. The office of the Prime Minister is also very serious about solving this problem. The Prime Minister's office is about to form a unit that works on violence against women; the Prime Minister himself is very keen in addressing this issue. Let's hope his own actions, his own steps would help, we cannot say to end the violence, but it will help to reduce the violence against women in Nepal. "

Interview 26

THAILAND: Puttanee Kangkan



“The police should work to provide a service to citizens, rather than abuse their power over ordinary people.”

Ms. Puttanee Kangkan is from the Working Group on Justice for Peace (WGJP). She is the author of *Understanding and Practice of Torture in the Thai Context*.

What do you think of the policing system in your country?

The system is not good at all; the police themselves complain about the system. There is a lot of corruption, misuse of authority, discrimination as well as illegal actions done by the police. There have been several attempts to change the workings of the police bureau but nothing has worked. Of course, I think the police bureau should be different. The change should start with the attitudes of the police officers. Most people in Thailand think that the police is an organization of corruption, abused power, and bad practices, therefore, many people who enter into this organization aim to these purposes. People in the police society, including the police academy, should start to change their attitudes by holding new thoughts and ideals, where the policing institution is one that is clean, honest, trustworthy and reliable.

What do you think of police's use of torture?

Of course, it is very bad to use torture on civilians. It ruins the investigation entirely; interrogations as well as the judicial procedures. It is because of torture that people trust police less and disregard the credibility of the judicial system.

What is your idea of good relationship between the police and the citizens?

The police should work to provide a service to citizens, rather than abuse their power over

ordinary people. They are funded by the tax money of the people. In this sense, Thailand is a country that practices a double standard; once you are someone in society, you get better service from government agencies than those who have less power and credibility. In fact, the police seem to treat suspects or people who have been arrested as though they have already been convicted for committing a crime. The notion of assuming someone is innocent until they have been proven guilty does not prevail among Thai police. My idea of a good relationship between the police and Thai citizens is that the police should treat everyone equally and assume the innocence of every arrested person.

If you have a problem, would you feel safe going to the police to make a complaint?

I'm not sure that I would feel safe making a complaint, but I would make the complaint to the police anyway because they are responsible for maintaining order and good practices in society. I think we have to help each other to improve the existing institution so that it is responsive to citizens and works properly, rather than ignoring the problems entirely.

Is there a law against domestic violence in your country? If yes, is it well implemented? If not, what are the problems?

Yes, there are laws against domestic violence, and they keep improving as the women's rights movement in Thailand becomes stronger and stronger. The implementation of these laws is on its way. It might not be perfect yet, but at least women have channels to go through when they suffer domestic abuse.

Interview 27

BANGLADESH: Mahfuza Akter



“Only criminals have good relations with the police.”

Mrs. Mahfuza Akter, is a widow at the age of 23 with two children, aged 4 years and 10 months respectively. She is the wife of Mr. Mohiuddin Arif, who was illegally arrested and arbitrarily detained by the Rapid Action Battalion (RAB) in January 2010. Arif was brutally tortured while in detention in the custody of the RAB-4 and the Pallabi Police of the Dhaka Metropolitan Police. At one stage, Arif was taken to his home and tortured in front of his family, including his wife and parents. He succumbed to his injuries while in detention on February 3, 2010. Mahfuza expressed her views regarding the law-enforcement system of Bangladesh in an interview with the Asian Human Rights Commission (AHRC).

What do you think about the policing system in your country?

In Bangladesh, the word ‘police’ is a synonym for lawlessness and brutality. The police are the most dangerous of people. They can and will do anything for money.

What do you think of the use of torture?

My husband, Mohiuddin Arif, was arrested by the RAB and brutally tortured in our home in front of me. We had faith in the law up to the level that law-enforcers cannot do anything beyond the law and they will return him to us. But instead, the RAB tortured my husband badly and handed over him to the police. The police did not take any initiative in providing medical treatment to save my husband's life. Even in jail, he was not afforded any care. When he was taken to the Dhaka Medical College Hospital, proper medical treatment was denied to him. All of the officials who work in the RAB, the police department and the hospital, are responsible for killing my husband. Only the Asian Human Rights Commission stood beside our family after the torture and death of my

husband. Now, the government has set up an enquiry committee. It is comprised of three people; an officer from the Ministry of Home Affairs, a police officer and a lawyer. But in fear of the RAB, witnesses who have been regularly intimidated by them do not want to speak out and disclose the real truth. The truth is that the RAB tortured and killed my husband. They are murderers, not protectors of the law at all!

What are your views on public relations with the police?

Ordinary people do not have good relations with the police. Only criminals have good relations with the police. If you do not give them bribe money, they will torture people or even kill people in the name of crossfire.

If you have a problem these days would you go to the police station?

Because of the brutal actions of the RAB and the police, I am finished. I have lost my husband and that is the great harm that the RAB and police did to me and my family. I am a widow. Now what will I do with my two children? How will I feed them? Every day my mental suffering is compounded. I do not see any hope for justice anywhere in this country. There is no law that protects poor people like me. We will not get justice while the RAB enjoys impunity. Their actions are above the law of the land. If I speak out any more, they will kill me like they killed my husband.

Interview 28

INDONESIA: Ajeng Larasati



“The police should understand that their job is to protect society, not to torture people just to get confessions and information.”

Ms. Ajeng Larasati holds a Bachelor of Law degree and has been working for the Community Legal Aid Institute (LBH Masyarakat) for the past two years. She is in charge of conducting legal and human rights education for drug users, sex workers, and people living with HIV/AIDS (PLHA) communities.

What do you think of the policing system in your country?

We can see this question in two dimensions: first, in the legal dimension in terms of rules and policies, and second, what is happening in reality. If we see the legal dimension, we can fairly say that in the last two years, there have been improvements in the police's human rights policies. Last year, the Chief of the Indonesian National Police issued a regulation on the human rights standard implementation for police officers. Under this regulation, police officers are not allowed to conduct torture, they have to respect human rights, and so on. Nevertheless, this regulation has not been implemented in reality. Especially in drugs-related cases, we find that there are a lot of human rights abuses, and torture is taking place. Some of the detainees are electrified. If you are lucky, the police will beat you. Sometimes, worse things happen.

In your opinion, what is the most urgent change needed in the Indonesian police institution?

I think it is very important for the police to have a profound understanding of human rights. They need to not only know human rights, they have to understand human rights. A lot of NGO's in Indonesia have conducted human rights education for the police so I think it's impossible that they don't know anything about human rights, but do they have the will to understand and implement it? That is another thing. So I think what's

important and urgently needs to be changed in the policing system is the recruitment and education mechanism of the police itself.

What do you think of torture practiced by police in Indonesia?

Torture is unjustifiable. The police are supposed to be the protectors of society and they have to play this role well. The police should understand that their job is to protect society, not to torture people just to get confessions and information. They should be intelligent enough to find other ways to get information besides torture.

What is your idea of a good relationship between the police and the citizens?

The police was established to protect society, so the ideal relationship between police and citizens would be where the police protect society and society can trust the police. What I mean by trust here is that if someone has a problem, she or he should be able to file a complaint to police without any fear. I think it is also important to emphasize here that the police have a function to serve in society. They should not only do their job according to what the law said, but also pay extra concern to the wellbeing of society. A few months ago, there was an elderly woman who was brought before the court and punished simply because she took three cocoas. If the police see the situation merely from a legal perspective, this old lady should be punished for committing theft. But is it fair? Is it just to bring such an old lady who took something is only valued at 3000 rupiahs to court to punish her? Most Indonesian people, if not all, think that is unfair! That case was not the only one. Once, the police arrested ten shoe-shine boys for gambling. Well, what they did wasn't gambling anyway, they were just playing a coin guessing game for fun, but the police arrested them anyway. Why? Because according to the law, such a game is classified as gambling. But do you think Indonesian people see it as a gambling? I don't think so. My point is that in order to create an ideal relationship between the police and society, the police needs to not be too positivist; instead of doing exactly what the law says, they need to consider and understand the situation of society.

If you have a problem, would you feel safe going to the police to make a complaint?

I would be fine going to the police to make a complaint because I have a legal background so I understand what my rights are and what their obligations are. I don't think the police would be able to fool me. But if you ask someone who doesn't have any legal background, I don't think they would be comfortable. The reason for that uncomfortable feeling is rooted in the people's distrust of the police. It is no secret that the Indonesian police are very corrupt; they torture people, they shoot innocent people. All of these things mean that society has no trust in the police.

Is there a law against domestic violence in your country? If yes, is it well implemented? If not, what are the problems?

There is a law against domestic violence in Indonesia. If you read the provisions of this law, you will find that the law is just fine. In my understanding, what is complicated is the conditions of Indonesian society and how the government sees and understands the domestic violence issue. What usually happens is this: the law is there, a victim of domestic violence (who is usually a woman) will file a complaint on domestic violence to police, but then the woman will withdraw their complaint. Why? It's because she will think, 'if my husband is arrested and imprisoned, how will my children and I be able to eat? Who will earn money?' The law itself is just fine, but the implementation is difficult.

Do the police treat women differently from men?

I deal with drugs-related cases in most of my work with LBH Masyarakat. I find that the police treat both women and men suspects/detainees equally badly. If there is a difference, I think it will only be in the form of physical treatment; men will be beaten, whereas women will be sexually abused.

Is it more difficult, easier or the same for a women to file a complaint against a policeman, compared to a man filing a complaint?

I think it's the same, maybe the police will be gentler to a woman complainant, but it's not always like that. In police stations, you will find that there is a special unit for women and children which deals with cases that involve women and children.

Interview 29

INDONESIA: Maria Sumarsih



“I think the ideal relationship between the police and society is when they believe in each other.”

Mrs. Maria Katarina Sumarsih was the mother of Bernardus Realino Norma Irmawan (Wawan,) a university student who was allegedly shot to death by military personnel in the First Semanggi Tragedy in 1998. She actively organises victims of human rights violations and is currently a member of Presidium Board of Victims Solidarity Network for Justice (JSKK) based in Jakarta. She was awarded the Yap Thiam Hien Award in 2004, the most prestigious award for human rights defenders in Indonesia.

What do you think of the policing system in your country?

I think the police behaviour in Indonesia has not changed; they still use violence in exercising their duties. In 1998, I witnessed how the police was so oppressive to demonstrators regardless of whether they were university students or just ordinary people. Recently, I have been informed that on June 8, 2010, police shot farmers in Koto Cengar Village in Riau Province. Some of the farmers later came to Jakarta to attend Kamisan (a weekly peaceful silent demonstration held in front of the Presidential Palace, urging the government to seriously investigate all human rights violation cases) and they told us that a Ms. Yusniar was shot to death while another person, Mr. Disman was injured. This is not the only case. Previously JSKK was also informed that someone named Edison Sirait in Pekanbaru was 'mistakenly' shot by the police. His case was brought before court but the police asked the victim to settle the case outside the court. The victim's family still feels that they have not obtained justice yet.

Also, the daily behaviour of police officers is sometimes disgraceful, for example when they issue speeding tickets to cars or motorcycle riders what is likely to happen is they will ask you to pay some amount of money (which is illegal,) in order to settle the problem outside of court. Of course, this is disgraceful. They are law enforcement officers but instead of enforcing the law, they violate the law.

Another problem within police institution in Indonesia is corruption. The former head of the Criminal Investigation Bureau of the Indonesian National Police, Susno Duadji, was arrested for alleged involvement in a corruption case. The Chief of the Indonesian National Police, Mr. Bambang Hendarso Danuri himself has admitted that there is still long way to go to combat corruption within the police institution as well as reforming police behaviour in Indonesia. Another example I have recently been informed of is that the personal fortune of the head of the Internal Disciplinary Unit (IDU or Propam) of the Indonesian National Police reaches 95 billion Indonesian Rupiahs which is more than the fortune of our President, Mr. Susilo Bambang Yudhoyono. Of course, this is suspicious as we know the salary of police is not that much.

How do you see the use of torture by the police?

Torture and violence, especially when conducted by state agents, is unjustifiable. The duty of the police is to protect society. However, torture is not usually conducted in public spaces so I have never witnessed torture myself. However, I read in the newspaper and found some information that the police often ill-treat suspects in order to extract confessions. Further proof that torture exists in Indonesia is that in trials you often see accused persons withdraw the testimony they gave previously during the police investigation. This is because they were under pressure when they testified.

What do you think is the ideal relationship between police and society?

The police, as I have mentioned before, have a mandate to serve and protect society. So I think the ideal relationship between the police and society is when they believe in each other. How do we develop such a condition? How do we make police and society believe in each other? I think the answer to this question is that we have to create the situation which makes it possible for the police and society to communicate with each other. The police, therefore, must avoid the use of violence. I think it is important for police to listen to the voices of people and have a dialogue with society in order to gain their trust.

If you face any legal problems for which you have to deal with the police, would you feel comfortable and safe going to the station to file a complaint?

With all the problems I have mentioned before, I wouldn't be able to file a complaint with the police freely, safely, or comfortably. A lot of people have learned from their own experience and say that you will just gain 'loss' instead of 'profit' if you file a complaint with the police. It means, for example, if you lost something precious and file a complaint with the police, it is very possible that you won't get your property back and you will have to spend some money; maybe to pay the police when they come to the crime scene. Of course, it is not regulated and it is not our obligation but well, that's Indonesia. We have

to have money for transportation, at least for ourselves, because we will have to go to the police station several times. We need money to file complaints with the police.

Is there a law against domestic violence in Indonesia? If yes, what do you think of it?

I know that there is a law in Indonesia regarding domestic violence and, if I'm not mistaken, it was enacted in 2004. Since then, I haven't heard that this law will be revised by the House of Representatives (DPR) or reviewed by the Constitutional Court. Thus, I come to conclusion that this law is good enough.

In your understanding, do you see that the police treat women and men differently?

I don't have a deep understanding on this, but let me tell you about my experience. Once, me and other housewives organised in JSKK and held a peaceful demonstration in front of the Presidential Palace. We hold weekly peaceful demonstrations every Thursday. I still remember that at that time, Former Russia President Vladimir Putin had come to Indonesia to meet our President. The police then asked us to disperse and go away, but they did it harshly. They pushed us. We are all old ladies but they didn't hesitate to use violence against us.

Is there anything else you want to add?

I just want to add that violence and torture conducted either by police or military members results in another bad effect: the use of violence by Public Order Officers (Satpoll PP). Satpol PP was established by the local government to help them in enforcing local regulations. Satpol PP members are civilians but they are educated in militaristic ways, and often conduct violence whilst exercising their duties. For example, a few months ago they were about to evict a tomb in North Jakarta and used violence against civilians who protested and tried to preserve the tomb. For me, and I think also for other victims of human rights violations, when the government does nothing to solve any human rights violation cases, just like they are doing now, and act in favour of impunity, it will bring another serious result: violence conducted not just by the police, military or state agents, but by civilians too.

Interview 30

SRI LANKA: Subani



“The police make a lot of errors in their work; there is a tendency towards supporting wrongful acts.”

Ms. Subani is the daughter of a furniture manufacturer. She is also a 32-year-old mother of one and reading for her external degree.

What do you think of the policing system of Sri Lanka?

It is difficult to say that the policing system is good. The police make a lot of errors in their work; there is a tendency towards supporting wrongful acts. Most of the time, they do not enforce the law in a proper way. They should concentrate on law enforcement because they are the guardians of law. But today, there is no law to protect. These things should be changed from the beginning. I do not understand how they should be changed; I just know that the way which prevails right now is good.

What do you think of the use of torture by the police?

The small people are those who are most affected by torture. There is a tendency to think that more people commit wrongs when they are unemployed, because they are poor and uneducated, so these are the people whom the police assault to find answers. But the people from higher classes and senior levels also do wrong things, but they are not harassed to find out the truth. If they were harassed, the police officer responsible would be transferred or would lose his job. The majority of those who undergo torture are small people. To find out who has committed the crime in question, they practice torture. This is wrong and unreasonable, because we don't know whether the person who was tortured to obtain the truth is the same person who has committed the crime. Sometimes people are assaulted even though they have not done anything wrong.

How is the relationship between the police and the public?

Generally, people who are not very wealthy are afraid of the police. But the majority of people who commit wrongs have no fear of the police. They know that they will be released by who are in higher places, so they feel that the police are on their side. Because of political power, the majority of those who commit wrongs have no fear of the police. But the small man is always affected; they are the ones who are afraid of police. This type of situation prevails today. The only option when we deal with the law is to involve the police. We go to the police station for everything. But the enforcement of law is not done properly. According to me, our safety inside the police station depends on various circumstances.

What do you think of the law against domestic violence?

There is a law for the prevention of domestic violence. If it is implemented properly, women will go to complain. Nowadays, if a woman goes to make a complaint about domestic violence, the police will not pay attention to her or to the complaint. The people who live in shanties undergo this type of thing; these people are neglected by society. There are poor people who go to the police very often, but the police do not care. The people who belong to higher classes very rarely make complaints to the police. Instead, they go directly to the courts and not to the police. The people who are uneducated and poor go to the police because they have no other way of dealing with their problems.

Interview 31

SRI LANKA: Chathuri Tharangani



“I do not have a clear understanding as to whether there is a law regarding domestic violence or not.”

Ms. Chathuri Tharangani is a 25-year old sociology graduate from the University of Kelaniya. This transcript is a translation of her interview.

What do you think of the policing system of Sri Lanka?

I think the policing system should be changed. We are all human beings and we all deserve equal treatment. Although we belong to different socio-economic classes, we all deserve good services from the state authorities. Otherwise this will turn into a crisis situation. In Sri Lanka, such a crisis already exists. Let us take some incidents as examples: the two killings in Angulana, both young boys, the assault of the student Nipuna Ramanayake, the murder of the youth Lalantha in Migahawela, the murder of Gerald Mervin Perera and the murder of Sugath Nishanta Fernando. In Sri Lanka, it is difficult to maintain statistics on the killings caused by motor accidents and police assaults. The police have become barbaric. But we have to talk this way when we consider the actions of the entire police force; there are police officers who are good, loyal and law-abiding, but there aren't very many of them.

What do you think of use of torture by police?

Before we had the legal system, society worked to maintain peace in their various tribes by punishing wrongdoers in a serious, barbaric way, like the 32 ways of torture, known as 'dethismahawada.' These types of punishment happened during the rule of the kings. Over time, such punishments have become less and less common. The policing system has been established to protect society. But it is difficult to say that they carry out this duty well, because they torture so many people. The people do commit wrongdoings, but

there should be a more fair way of punishing them that does not involve physical violence. Offenders should be punished in courts, not by the police. In Sri Lanka, the role of the court and the role of the police is interchangeable because the police do what only the judiciary should be doing. I don't agree with police torture. The police should be a people's institution which works to ensure the protection of the people.

How is the relationship between the police and the people?

To answer this question, we need to divide people into two categories: one, the politicians and rich businessmen and two, the uneducated, poor people. The relationship between the police and these two categories are different. The police take action on behalf of the first category very quickly. For the second category, their actions involve the use of abusive language and demanding bribes. The relationship between the people and the police is not successful.

If you had a problem, would you go to a police station to make a complaint?

Before going to a police station to make a complaint, I would think about whether I should go, not just twice but three or four times. In Sri Lanka, we fear how many problems we have to face at the police station, along with the one problem we are going to the police for in the first place. Also, we don't know whether we will leave a police station in the same condition that we entered it in.

Is there a law against domestic violence in your country?

I do not have a clear understanding as to whether there is a law regarding domestic violence or not. But I have heard of various organizations which fight domestic violence through the media.

Interview 32

SRI LANKA: Sarani Fernando



“The policing system we have now is one of the most corrupt institutions within the public sector.”

Mrs. Sarani Fernando is a lawyer living in Negombo. She has been active in human rights work for about ten years.

What do you think of the policing system of Sri Lanka?

The policing system we have now is one of the most corrupt institutions within the public sector. It is not possible to say that the institution is a good one at all. The idea behind creating a police force is to eliminate crime and uphold peace within the country. Although the police force was established for these purposes, in actual practice these goals are not being pursued at all. Instead of eliminating crime and protecting peace, the police service is beset with corruption; it is an institution of terror. This is not an institution that can meet the expectations of the people in a democratic country. What is happening today should not be allowed.

There are many reasons why the police in our country have come to this sad situation. Some of these reasons are as follows: like all the agencies of the state, the police service has been politicised. Although the people of the state sector whose salaries are paid for by the people's taxes are supposed to work for the welfare and benefit of the people, the mindset of the police is not geared towards that aim. There are enormous problems of mentality and mindset within the police. The police officers do not understand what their responsibilities are, what their obligations are, what they are supposed to do and what they are not supposed to do. The politeness and discipline which is essential for the success of a policing system does not exist within the setup. The ethical attitudes and behaviour of the police is sadly lacking. Instead of protecting peace and eliminating crime, the police work only for their personal economic benefit and to promote their own position. For these reasons and perhaps others, the police have failed to win the confidence and approval of the people.

What do you think of use of torture by the police?

The very term 'torture,' the very meaning of the word only suits a barbaric society. It is not a practice that is suitable for a forward-thinking society. Whether it is the state sector or private sector, nobody should have to face torture from a state institution. It is not something that can be approved by anybody. However, the police service which has been established to eliminate crime and establish peace uses torture extensively. It is sad to say that torture has become part of the very identity of the Sri Lankan police service. In the past, torture was used in order to punish criminals. However, as times changed, this was established as a barbaric system that was not suitable for our society. The power of punishment according to the law is given to the courts; the police have no right to punish anyone. What happens at present is that the police do things which they have no legal right to do. They are following a methodology which is contrary to the law.

The fact that these things happen impacts the thinking of society and influences the mentalities of people. Sometimes the mentality is created that believes that in order to eliminate crime it is necessary to subject the people suspected of doing such crimes to torture. The belief has been created that without using torture it will not be possible to eliminate crime. Such ideas and mentalities should be eliminated from our society. The evidence that needs to be collected for the proof of a case should not be obtained by subjecting people to torture, but by proper method of investigation. According to the law, any statement taken while the person in question is being tortured cannot be used in court. However, the majority of policemen do not understand that and they use their authority in a wrongful manner. Sometimes they commit torture at the bidding of powerful people because they want a promotion, or something like that. In doing so, they deprive or obstruct the rights that the Constitution has guaranteed the people of the country. The present situation cannot be approved or accepted in any manner.

How is the relationship between the police and the people?

Due to their illegal activities and arbitrary ways of working, people do not have confidence in the police. The police do not provide an example for the people to follow. Their activities are corrupt. Relationships only work if there is mutual confidence. Now, even the police are demoralised and do not have the confidence that they are working for the welfare of the people. If a better relationship is to be created then the corrupt practices and atmosphere of terror that the police have created needs to be eliminated. The use of corruption and terror are methodologies that are not acceptable. If the purpose for the creation of the police as recognized by the Constitution is to be realized, these things have to be changed.

Would you go to a police station if you have a problem?

Many people go to the police to make a complaint when they have a problem because that is a requirement of the law. As they have no alternative, they go to the police. However, very often, even at the point of making a complaint about a problem the police turn the whole matter into a sort of chaos. The reason for this is that the police do not look for the truth behind what has happened but rather act for political reasons, under the influence of money or because of pressure exerted by the powerful. Before anyone goes to the police station, especially if that person is a woman, they have to think twice about doing so. This is a very sad situation. I cannot say that it is safe to go to a police station at all.

Is there a law against domestic violence in your country?

Domestic violence is a symptom of a society that is patriarchal. In our country, we have a patriarchal culture. Today, we have a law against domestic violence which works to stop such practices. However, as women are treated as 'less than' in all aspects of society, the protection that is available to women is still very poor. Even though there is a law against domestic violence, it cannot be said that domestic violence has been eliminated from the society.

Interview 33

SRI LANKA: Seetha Kumarasinghe



“The relationship between the police and torture is like the relationship between the tree and the bark.”

Mrs. Seetha Kumarasinghe, a Sinhalese from Mathale is a 56-year old retired lady police sergeant.

What do you think about the policing system in Sri Lanka?

I have worked for twenty-five years as a police sergeant in the police service. Despite that, I feel severely demoralized and discouraged about the workings of the police department. Hiding behind the police uniform, there are so many wrong things that the police do; I have seen these things over and over for many years. for a long time. Many police officers treat the police institution as if it is their private property. They want to keep their own pride; they do not hesitate to do what they want to do, whether it is good or bad.

I can give you one example: there was a woman who came to the police station with her daughter to file the case of her daughter's rape. None of the police officers did anything to record the statement. Instead, the officers began to make jokes about the woman and her daughter, insulting them in various ways. The mother and her daughter were placed in a pitiable situation. Then, one of the officers made an unwarranted suggestion to the mother and the daughter and started insulting them in very dirty language.

What do you think about the relationship between the police and the people?

The relationship has degenerated to a very low level. The people have lost all faith and respect in the police. I know this from my own experiences. Poor and helpless people come to the police to make complaints. They want to make these complaints so that they can take some sort of legal action. They don't have great financial resources and they don't have connections. Because of this, they cannot get anything done at police stations. Due

to these failures, those who are poor have no faith in the police.

Let me give you another example: I saw one woman who came to the police station every day for many days to make a complaint, but nobody recorded her complaint. Eventually, she came with an officer from a human rights commission, because she was unable to get the complaint recorded earlier. She stated that her 14-year old daughter had been abducted by someone in her neighborhood. The police officer told her that since the girl had been with the kidnapper for several days, there was nothing that the police could do. Then they said that the only thing the woman could do is to get her daughter to marry this boy. I was shocked to hear this; for a man to kidnap a 14-year old child is a statutory offence and it amounts to statutory rape. When a police officer gives advice like this, saying that there is nothing that can be done except to get the girl married to this boy, what kind of legal relief can people expect from the police as an institution? It was only because this woman came with an officer from a human rights commission that she was able to get her statement recorded and the case taken to court. The mother and daughter were deeply shocked by the attitude and behaviour of the police.

Due to the ignorance and neglect of the police officers, many criminals enjoy freedom. Incidents like this happen every day, and as a result, people have lost a lot of faith in the policing institution.

If you had to face some problem, what steps would you take?

Since I have been a police officer (even though I am retired now,) it is still possible for me to get something done. For example, I lost my identity card once and I went to the police station and I was able to get a statement recorded. Because I was a police officer, I was able to get that done quite easily. However, I have seen personally that many people who come for similar incidents to the police station have to come back to the police station many times to get a thing like that done. However, I am so discouraged by the situation, that if I can get my issues resolved by other means besides the police, I will do that rather than going to the police for help.

What do you think about torture?

The relationship between the police and torture is like the relationship between the tree and the bark. These two things are so close that they are inseparable. The majority of police officers believe that they won't be able to obtain any information or correct evidence without the use of torture. When police officers go for training, they hear about how to obtain evidence without using torture, but the majority of policemen do not like to hear things like that. Police officers get a mean type of enjoyment from the use of torture. Often, officers come and share their experiences about the way they have used

torture and the results they have obtained. It is difficult to listen to the stories of their cruel assaults. To give you one example, one person was brought to the police station for a robbery. He was about 20 years old. He was tied by the thumbs of both his hands and pulled up and down from the top of the roof and assaulted. Later, the police found out that the person they had abused had not done the robbery, it was actually done by someone else. The police often torture people without inquiring into anything. There are police officers who don't do this, but I am describing from my observations what the majority of police officers do.

What do you think about the law against domestic violence?

From very recent times, that is from 2005, there has been a law against domestic violence. There are a lot of problems related to the actual working of this law. Police officers have been allowed to play some role in the workings of this law, but they do not show much responsibility when trying to deal with their obligations under this law. I have seen cases where an officer would be trying to record complaints relating to domestic violence, but others would be standing there telling him not to get into unnecessary problems, not to create unnecessary problems by getting involved in this type of case. In a case where a man had caused serious injuries - injuries which could have led to the death of his wife and their child - the police did not even take the woman to the hospital for treatment. She was advised to establish peace with her husband by herself, and this advice was given in a threatening way. Later, it was revealed that her husband owned a three-wheeler and he treated the police with liquor in the afternoons. This is the way that the police officers showed gratitude to this man. The wife's complaint was not taken seriously at all, and they did not even take her to the hospital.

Interview 34

SRI LANKA : Nishanthi



"I think if a woman goes to a police station and tries to take legal action against her husband, when she goes back home she will be beaten by her husband."

Mrs. Nishanthi, 42, is a housewife with two children and a husband who works as a veterinary assistant in Korea. Two years ago, she joined a support group run by a local human rights organization, and now regularly accompanies victims of rape and torture on their journeys to, through and from court trials.

What do you think about the policing system in Sri Lanka?

Before I joined the support group, my impression of the police wasn't so bad. I knew the police weren't fair, and knew that people couldn't expect much help from them, but I didn't know it was this bad as. Now I know what is really happening. I know how bad it really is if someone goes to the police station for justice. But even though I don't have a good image of the police, there are also some police officers who work in a positive manner and do some good.

What do you think about the relationship between the police and the public?

The police are very powerful; they can do anything they want. They can kill the innocent, they can produce any evidence and they can write any statement on their own; the people think they are very powerful. But they should learn how to treat people. They should be kind and work for the sake of humanity. Humanity is a most valuable thing. Some police officers are very money-minded. If a man can spend money, the police will accept or follow his opinions. If, for example, I have a personal disagreement with someone, if I have some money I can pay off the police and make trouble for that man; it is like the police can be rented or hired. Normally, army people or soldiers become very strong but still treat people well. But the police act in a lowly way and do not treat people kindly. I hope that the police can learn to be friends with people and treat them with respect, in a humane way.

If you had a problem, would you go to the police station to file a complaint?

I would try to go to the police station because that is the only place we can go to for help. If I couldn't get the result that I wanted, I would turn to some of these organizations – the NGOs.

What do you think about the use of torture?

If parents cannot beat their children and teachers cannot beat their students, then a police officer cannot assault a person. There is no law or right which allows the police to torture people. If a man should be punished, he should go through the legal system and be punished fairly. It is illegal for anyone to commit assault. And when there is torture, the victim will not always give the correct information.

I think that people feel very helpless. But the responsibility is with the community; the community has to inform higher-ranking officers that some police officers are not working properly, so that they take the necessary steps to correct their behaviour. [The community] also has to become more educated about these issues. The government and the authorities are responsible, and the community should also inform the government, namely the Inspector General of Police or the President, when something bad is happening so that they can take the necessary steps to improve the situation. Unfortunately, I feel that the government is not listening to the community, so we have to work harder to be heard.

For myself, I could see that this organization was doing very good work with people seeking justice; I admired it. I was a housewife and so rather than spending the day at home, I decided to join them and work with people who need help.

What do you think about the law against domestic violence?

I know that there is one. According to Sri Lankan culture, when disputes happen inside the house, for example between parents and their children or a husband and wife, they usually try to solve the problems themselves and don't want to talk about it openly. Usually the wife will bear the problems, so this law is probably not used very much. I think if a woman goes to a police station and tries to take legal action against her husband, when she goes back home she will be beaten by her husband.

Interview 35

PHILIPPINES: Beverly Santos



“In my job, I usually encourage crime victims to go the police.”

Ms. Beverly Anne Santos is 24 years old. She is a television reporter for a local television station in General Santos City. She is a Bachelor of Arts major in Mass Communications from the Notre Dame of Dadiangas University (NDDU). In this interview, she speaks of her experience as a broadcast journalist of the Filipino policing system.

What do you think of the policing system of your country?

The country has a good policing system. As a journalist, I am aware of that. For example, during the elections there was a gun ban order. Police checkpoints were required and they were ordered to prosecute violators; it was a good system. But the problem of the policing system is with the implementation and application. The police produce very few arrests and crimes involving illegal arms still exist. In General Santos City, PNP (Philippine National Police) checkpoints do not operate for 24 hours. They stop operating after midnight and have only two or three officers. With these weak points, not all vehicles can be stopped and inspected. Vehicles can easily avoid the checkpoint, as the cops are so busy.

I would suggest that a different system be put into place here in General Santos City. For example, the protocol on responding to murders should change. Instead of calling the SOCO (Scene of the Crime Operatives) team first, it should be the hospital or the ambulance first. In my previous coverage, people from the funeral homes usually arrive early. I think the police should have regular safety training and guidelines on responding to crime victims with the objective to save the life of the victim.

What do you think of the police's use of torture?

Torture is definitely a bad thing! I am against all aspects of torture. Everyone, even criminals, have human rights. The police's use of torture is an abuse of authority. As a media person, I heard allegations of police brutality from arrested suspects. The country has given uniformed men so much power that they can use it without prosecution, and the people are afraid to oppose them. But I am happy; a country which upholds democracy is well-informed and educated about the anti torture law. There are only a few reports of torture cases.

What the public should be aware of is police harassment. To us media people, we have experienced their hostility and arrogance. In one instance, during an attempt to get an interview at the CIDG (Criminal Investigation and Detection Group) office at Camp Lira earlier this year, members of the press were prohibited from entering the CIDG compound because they had a number of high-risk detainees. The detainees were the Ampatuan clan, who were murder suspects in the killing of 57 people in Maguindanao. An ABS-CBN crew entered the compound and to their surprise, a policeman greeted them with anger complaining about them coming inside the compound. One police even moved the camera away, knowing it was being filmed.

What is your idea of a good relationship between the police and citizens?

A good relationship could begin if the citizens started trusting the police again. But for this, the police must earn their trust. An ideal relationship between the public and the police would be where the police are seen as heroes, fighting evil and promoting the law. This will happen only if the police had high morale, were good leaders and had the best facilities to perform their duties.

If you have a problem, would you feel safe going to the police to complain?

In my job, I usually encourage crime victims to go the police. The police is the government agency who has the power to enforce the law. But for my own problems, I wouldn't feel safe. I have valid experiences but I do not want to talk about them. I believe the police still have a long way to go to be seen as heroes. In my experience, I had an interview with new police recruits and I learned that their major reason for enlisting was financial, not for any higher purpose. Police officers have stable salaries and benefits; their salaries are paid from the government taxes. For many Filipinos, they apply to become a police officer as an answer to their own problems, not so they can answer the problems of others.

Is there a law against domestic violence law in your country? If yes, is it well implemented? If not, what are the problems?

Yes, there is a law against domestic violence, but it is not well implemented. Many abused women and children have received assistance through this law, but the problems come after the rescue. Local government units don't have enough funds to shelter them well, provide consistent food and provide for other needs, like their children's education; even private orphanages are not well supported. Repairing their buildings and finding sponsors are a constant problem. What we need is a livelihood program for abused women. In many cases, the women go back to their abusive husband because they cannot fend for themselves.

Interview 36

SRI LANKA: Chandralatha Fernando



“If I had a problem, I would not go to the police seeking their assistance; I believe that it is better to bear the damage rather than to seek assistance from the police.”

Ms. Chandralatha Fernando, a 48-year old teacher from Dekinda, Nawalapitiya talks about Sri Lanka's policing system.

What do you think of the policing system of your country?

I am frustrated with the Sri Lankan police for several reasons. An example of the policing system's issues is as follows: one day there was a dispute among two young students at the school where I teach. Finally, one child pushed the other and he fell down a staircase. As a result, the child who fell fractured an arm joint. Since I was the class teacher for both children, I went to make a complaint at the police station, following the instructions of the principal. After I had made the complaint, I admitted the child to hospital, having informed the child's parents of the incident. Later, we learned that the parent of the child who pushed the child down the staircase had also has gone to the police station and made a complaint. The police initiated an investigation based on this complaint. Later, we came to know that one of the police officers at the station was a relative of this child who enabled the second complaint and began investigations. We then learnt that the parents of the child who had was pushed down the staircase had received threats and were told to withdraw their previous complaint. This minor incident speaks to the larger policing system of Sri Lanka, where police officers abuse their power and harass the innocent and poor.

What do you think of the police's use of torture?

I think the use of torture by anyone under any circumstances is unacceptable. As a teacher, I am proud to say that I have never abused any of the children I have taught. Unfortunately, I don't see the same attitude with many of my fellow teachers. I have seen

them inflicting physical and psychological torture to their students.

There are some police officers who execute their duties without torturing people. But I have seen many officers who torture innocent and poor people, mentally and physically. I want to mention here that many people give their attention to physical torture but speak little of the mental element of torture. My personal opinion of this is that we give more significance to the torture that we can see with our own eyes and that people can receive medical treatment for. But many of us ignore the psychological trauma and its effect on mental health on those who have been tortured. We need to examine the extent to which psychological/mental torture affects the life of those who have undergone torture. There is a severe lack of attention paid to this issue by responsible authorities and public officials in this country.

I also want to comment on the lack of professionalism on the part of those who are engaged in this field in Sri Lanka. As an example of the issues that affect the system, one day, a teacher who I have known for a long time was arrested due to a complaint made by another teacher who had a personal grudge against him. The complaint was fake and baseless. But because the teacher making the complaint had a relationship with some police officers who helped him make that complaint, the other teacher was arrested and tortured by the police officers for many months. Later, when the case came up in court, the teacher who made the complaint was acquitted due to medical evidence. The fact that the first teacher had a relationship with the police officers and had them torture this innocent person will never be considered by any of the state authorities in Sri Lanka's present context. Indeed, none of the state authorities went to the trouble of assessing the agony that he underwent following their illegal actions. After all this happened, the education department interdicted his services, and his family struggled financially. He underwent mental trauma for a long time. He was also subjected to severe, degrading treatment by members of his extended family and community because he had been accused of rape. This is an example of the arbitrary, malicious and abusive behavior of police officers who make these illegalities possible in our society.

What is your idea of a good relationship between the police and citizens?

Oh! There is no need for us to talk about that. Sometimes I feel that the policing institution is a place where Sri Lankans are merely employed. I have observed the great distance between the police officers and the general public. I have noted that the lower-ranking police officers are discriminating and degrading to the general public, often more so than the senior officers in service. For example, there is a woman in our village called Anula. Almost all the villagers help her as she is disabled. One day, she had went to the police station to make a complaint regarding a land dispute. But the police officers on duty did not take any interest in her case, even though she went to the police station

more than ten times for this case. Such an experience speaks to the way the Sri Lankan police have become an institution that only help privileged people in our society.

If you have a problem, would you feel safe to go to the police and complain?

If I had a problem, I would not go to the police seeking their assistance; I believe that it is better to bear the damage rather than to seek assistance from the police. There are police officers who were my former students, so if I need the help of the police, I am in a position to get it. But I believe that the police department has been established to protect the law and order of the country, respecting individual rights equally and impartially. I feel frustrated that only the privileged and powerful can use the services of the police. Those who go to the police station are often seeking revenge, and the police often enable this. As a result, the people have lost their faith and trust in the law enforcement agencies of this country. They no longer believe that this institutional setup is able to implement the rule of law in the country so that law and order can be restored. They are not willing to make complaints to the police; they have lost faith with that organization. The collapse of these law enforcement agencies have motivated the increasing tendency towards crime in this society.

Is there a law against domestic violence in your country?

I am not aware that there is a law against domestic violence. But I honestly believe that if such a law existed, it would benefit society. I have listened to many stories of children who come from abusive homes; I have seen how much of physical and mental trauma these students undergo while living in these dangerous situations. For example, one day while I was checking my students' homework, I found that one student had not done anything. When I asked him why, he said that his father came home in the evenings after drinking and beat his mother and his siblings. He said that his father also verbally abused his mother, his siblings and himself which made it difficult to complete his homework. He said that when his father was drunk, he had torn up his exercise books. From time to time, he said that his mother and her children would leave their home at night and stay with relatives, and then this child would do his work in school the next morning. But on this particular day, the father had come to the relative's house and fought with his mother, preventing the child from doing his homework. When I heard this story, I was shocked at the physical and mental trauma that this child, his mother and his three siblings experienced. I know that the task of eliminating domestic violence from a society is not that simple, and cannot be overcome in a day. But I do think it is a contemporary necessity that we have a law that can control domestic violence in some way.

Interview 37

SRI LANKA: A retired Woman Police Constable



“This practice of torture is inhuman, unjust and unreasonable.”

A 58-year old retired Woman Police Constable (WPC) who does not wish to be named served the Police Department of Sri Lanka for 28 years in different areas like Kegalle, Kandy, Matale, Serunuara and Kanthale. She considers herself fortunate to have worked under 4 DIGs, 5 SSPs, 6SPs, 10 ASPs and 15 Headquarters Inspectors. She expressed these views regarding the policing system in Sri Lanka

What do you think of the policing system of your country?

I feel that the Sri Lankan policing system has become a seriously inefficient institution. The officers in service suffer severe depression most of the time, particularly the lower-ranking officers. The facilities granted to these officers are inadequate. For example, even though we are supposed to only work in 8-hour shifts, this is usually extended to 12 hours, due to the heavy workload and lack of the officers in the service. In this kind of situation, it is common for officers to experience mental trauma and feel deeply frustrated with their working lives. At the same time, officers are not compensated for this extra work. They are not allowed to communicate with higher-ranking officers regarding these situations and make any claims for relief. The senior officers in the service treat the lower-ranking officers without any sense of humanity or kindness. Most of the times they treated us like slaves.

What do you think of the police's use of torture?

It is very common that people are subjected to cruel and inhuman treatment at the hands of the police. This should never happen. At an early stage of police training, all the new

recruits receive instructions on why torture should not be used. However, torture does take place almost everywhere in the country. Police officers receive instructions on having a more kind and sincere relationship with the people who come to us. We were taught to provide our services with heartfelt compassion. Although there is some guidance from senior officers, the lower-ranking officers harass and treat people in a degrading manner because they are so overworked. We have been given instructions to treat the people who come to make complaints at the police stations with kindness; we are instructed to kindly write down the complaints. But I have seen many officers who threaten and intimidate the complainants who are waiting to make their complaints; these people generally get insulted by these officers. They become disgusted with the police. I have seen some officers blackguarding (blaming) the people who make complaints without any valid reason. As such, the first experience of any newcomer to many police stations in the country would be to witness this disgusting verbal abuse and degrading treatment by the officers on duty.

The general understanding of many low ranking officers is that such an attitude is necessary to control the public. In a country like Sri Lanka, it is thought that it is difficult to be respected by other officers and members of the general public without a certain enforcement of power, namely verbal or physical torture. On many occasions, when police officers blackguard the people waiting to have their complaints recorded, the people are dumbfounded. As a result, they become flustered and forget to reveal the full details of the incident or the people involved. They become unable to complete their complaint or statements, often causing the loss of critical details from their statements. This then has a knock-on effect on court proceedings. Often, the evidence they given in court does not tally with the evidence they have given in the First Information Report and the statements they have given to the police. Finally, the evidence of the witness is not accepted by the court as the lawyers representing the accused mark the contradictions or omissions and thereby challenge the credibility of the witness. Consequently, the accused is often released. This is one of the major procedural errors which happens in courts leading to a failure in prosecutions and convicting criminals. Then, the true criminal is often released and the victims are accused for lying in court, when in fact, this is an error of the police officers. It is the whole society which suffers irreparable damage, that is prolonged by impunity within the failing criminal justice system.

There are some good police officers in the Sri Lankan service, but because of the behaviour of the majority of the lower-ranking officers, the police institution has become generally unpleasant.

This practice of torture is inhuman, unjust and unreasonable. I honestly believe that we can execute our duties without torturing people, carrying out our duties with respect for ourselves and for the people of Sri Lanka.

One more thing about this practice of torture within the system is that police officers believe it to be necessary when handling organized, anti-social and dangerous criminals, such as murderers, robbers and repeat offenders. They believe they will never reveal any information unless they are tortured. So there is this common understanding among officers that they must torture suspects in order to combat crime.

What is your idea of a good relationship between the police and citizens?

There has been a tremendous effort by the department to establish and maintain a better relationship between the public and the police. But because of the aforementioned faults in the police service, this has been extremely difficult. For example, during the Kandy Pageant, the police were trying hard to control the crowds and provide protection to the public in a professional manner. But the public image of the police is so bad, that the people are reluctant to follow the orders of the police. At the same time, the tendency towards crime in Sri Lankan society is increasing. But members of the public rarely come forward to give evidence or assist the police in combating crime. This shows that the relationship between the people and the police is very bad.

I believe that if there was a good relationship between the police and the public, the crime rate could be reduced. The police cannot prevent crimes from happening without the support of the public. A stable society that successfully implements the rule of law cannot be established without the ardent support of the public. Moreover, a respect for the law by the people necessarily implies the hidden, coherent support of the public towards their police.

If you have a problem, would you feel safe to go to the police and complain?

That would depend on the gravity of the problem that I would have. If the problem was serious, I would go to the police for a solution. But if it was a minor problem, I would not go there. I do believe though that because of my position in society, I could get relief from them.

Is there a domestic violence law in your country? If yes, is it well implemented? If not, what are the problems?

There is such a law in Sri Lanka, but I think there is a dark side to that law which I have seen as a woman police officer. When one party seeks justice for a dispute between two parties who have been conjoined in matrimony, the other party will have extreme anger towards the party that made the complaint. I have actually met women who are afraid that the police will follow up on their complaint. I have also seen many people who ended up getting divorced after seeking the intervention of the police in their dispute.

This could be because of the manner in which police officers handle their complaints. The complaints process creates anger in the husbands, who feel that their wives went to the police against their wishes. As such, most of the cases end in one of the parties wanting revenge. For example, one woman came to the police station repeatedly to complain about her husband and the overwhelming abuse that she has suffered over many years. The police were finally able to summon the husband and tried to negotiate between the two parties, encouraging them to live peacefully with one another. Then later that night, the wife was murdered by her husband. I think this was in large part due to a defect in the whole complaint and interrogation procedure adopted by the police. In this case, they made an incorrect assessment of the situation. This might have been due to the lack of correct procedural steps followed by the officers responsible for this case. On the other hand, this may be due to defects in the law and lack of facilities. Domestic dispute investigations are usually held in the same area of the police station where hardened criminals are interrogated. This can be difficult and humiliating for the family and can lead to increased disharmony.

Although there is law that works to prevent domestic violence, the implementation of this law is not as straightforward as it is implied in legal texts. The entire process is initiated after the police receive a complaint from a victim, child or court. When courts receive direct complaints, the police become involved in the case so that they can assist the courts. But the reality of this society is that most domestic violence victims would never seek assistance from the police as they are well aware of how police procedures are.

One more factor that prevent people from seeking justice through this new law is that people are extremely concerned about damaging the stability of their families. They believe that if they make complaints through the police or court, this will dissolve their family. Thus, they tolerate these abusive actions. The law should have provisions and be built to deal with such issues, but it is not. The Sri Lankan police department has established a special branch called the Women and Childcare Bureau which has branches in all police stations all over the country. Women police officers are normally attached to these bureaus. At the beginning, the department wanted to have a more sensitive approach for the women and child related cases. Many of these family-related cases that the police department handle can be categorized as violence perpetrated by the fathers or close male relatives. In many cases, they are sexually-related crimes. People tolerate these incidents and hide them from the legal system out of embarrassment and fear of future consequences. They believe that if they go before the law, the harassment that they may have to face as victims will be greater than the difficulties they currently face.

I honestly believe police officers have made many errors in the procedures of handling these cases and these people. We should take a different approach to such cases. In many cases, women tolerate harassment and abuse from their husbands. The main reason

for this is that the woman's husband is often the main breadwinner of the family, and protecting the stability of the family is seen as more important than anything else. When I was serving in the Matale police division, we were informed of a father who sexually abused his 6-month old daughter. The child's mother had gone to a well to get water, and when she returned, the child was screaming and bleeding. She brought the child to the hospital because the child's screaming was so unbearable. With questioning from the nurses, they were able to collect enough evidence to believe that the father had abused the child, but the mother begged them not to tell the police. Her pleading was based on three simple grounds: first, she would be killed by her husband; second, her family would fall apart; and third, she would lose all her earnings. Medical examinations showed positive evidence of child abuse and further confirmed that the child had been severely hurt. But the victim's mother did not consent to proceed with the case. The culpability with these cases cannot be understood; they cannot be accepted in any kind of society.

Finally what I have to say about the policing system of Sri Lanka is that it is not capable of dealing with the many crimes occurring in the country. People do not fully trust the system; they do not believe in the system and so they never fully cooperate with the system. In many occasions, people believe that the damage that is caused by seeking justice from the system is much more than the damage that the crime has done.

The views shared in this article do not necessarily reflect those of the AHRC, and the AHRC takes no responsibility for them.

Interview 38

NEPAL: Durga Sob



“The citizens are the supreme power of a country, but shamefully, common citizens are being smothered by people in power.”

Ms. Durga Sob is a prominent Dalit women's advocate and the chairperson of the Feminist Dalit Organization (FEDO).

How is the relationship between the citizens and the police in Nepal?

The relationship between the citizens and the police is not good. The police are supposed to act for the security of the state and the citizens, but it is not able to maintain a close relationship with the citizens. The police and citizens should have the relationship of a finger and a nail, but it is not like that. The government did not facilitate the development of a close relationship between the two. Our country has just come out of a 10-year long conflict, and during this time, the behaviour of the police was appalling. The citizens were hit badly by the attitude and behaviour of the police. The situation was so bad that people would shake in fear when they saw police officers, even if they had not done anything wrong. Seeing police torture and the cases like the rape case of Suntali Dhami, the Bardiya Killing case, and the Sanu Sunar case; it is almost certain that the police administration, instead of safeguarding and providing security to the citizens, are rather the promoters of impunity in the country. We also shall not forget that while the trend is slowly changing, the police is still in the grip of their old ways. They are still working under the direction of a handful of powerful people, which is the opposite of their mandate. The existing structure of the police administration needs to be turned into a more democratic one.

So what do you think of the relationship between citizens and the police?

The citizens are the supreme power of a country, but shamefully, common citizens are being smothered by people in power. The condition of Dalits, particularly Dalit women,

is particularly critical; the Dalits enjoy few rights in Nepal. The police is one of the state-led mechanisms whose major role is to provide security to the citizens. So the police should be totally responsible for the wellbeing of the people, committed to promoting the rights of the citizens and taking the responsibility to protect their security. Any citizen and any police officer should share a familial relationship. While approaching the police, the citizen should feel a sense of justice. The citizens also need to change their pre-set attitude, that 'the police are always like this,' towards the police. The government should also create mechanisms which allow the citizens easy access to the police.

What do you think of the police's use of torture?

Nepal has signed numerous international covenants and conventions against the practice of torture. Of course, the police should not torture anybody in custody in the name of gaining information. But we find police officers beating the person till she or he dies. We receive news of custodial deaths, such as Sanu Sunar of Lalitpur district. The police continue to beat the arrestees even after they have confessed to their crime. We cannot think of a worse foolishness than this. It seems that the police have enrolled themselves in these jobs solely to torture citizens. It should not be like that. We have to tell the police that in any criminal offence, they should follow the legal way of punishing culprits, which will raise a sense of security in those who are innocent.

Do victims feel safe and secure after filing their cases at the police station?

Citizens do not have direct access to the police; very few cases reach the police. In this society, people think it better to confine their sufferings to themselves, rather than to disclose it. People believe that going to the police will only increase their problems. I think this attitude is the result of mistakes made by both the citizens and the police officers. The police officers have been rude and disrespectful, and the victims do not feel any sense of security with the police. Society also believes that going to the police will invite stigma on the complainant, and people feel that they will be viewed differently when they are entangled with the police. Ultimately, this means that very few cases reach the police. To change this, the police should be more helpful; they should be kind and respectful towards those who approach them. Right now, if someone is believed to have committed theft, the person treat the person as though they are guilty from the very beginning. They do not investigate or try to verify the information. Then, the police beat the suspect mercilessly. In such an environment, how can any person feel a sense of security? Most people avoid going to the police station; they do not believe that they will get justice there.

What do you think of the law against domestic violence in your country?

There is a domestic violence law. But in reality, it has not been implemented properly. There are loopholes in it which should be addressed if it is to be effective.

What do you think of the police administration in totality?

The police lack an understanding and respect of the citizens. It is time for us to make the police aware of those issues, as we do not have any other options. We need the police, so the policing institution should be developed to be an institution which respects common citizens and is ready to help them when they need it.

Interview 39

SRI LANKA: RMAR a retired police sergeant



“The elimination of torture from the Sri Lanka police service will only happen only after providing such kind of successful training to all the officers and adopting such approach to the criminal investigation system.”

Mrs. RMAR a retired police sergeant talks about policing in Sri Lanka

What do you think of the policing system of your country? Is it good? Or do you think it should be different?

I have served as a woman police sergeant for a period of more than of 29 years. I have gained much experience on policing in Sri Lanka. I have served under five Deputy Inspector General (DIG), eight Senior Superintendent of Police (SSP), in between 10 to 15 Superintendents of Police (SP), Assistant Superintendents of Police (ASP) and Headquarters Inspectors of Police (HQI). I have diversified experience of working in different areas of Sri Lanka like Nawalapitiya, Gampala, Vavuniyawa, Jaffana, Mahiyanganaya, and Kandy.

Immediately after I joined the police I enthusiastically worked for the department. But with time, after experiencing enormous difficulties and harassments I became disgusted with the police service. On some occasions we had to work continuously for 10-15 hours. There were days that we came for duty in the morning but our hours were extended to the following morning. Our senior officers who deployed us for such services never consider the fact that we are also human beings. For example: I and the officers with me were ordered to go for an election duty to provide protection for the polling station. It was supposed to be from 6am to 5pm. But by 4pm the senior officer ordered us to go and report for another duty at night at the counting center at Kachcheri to provide protection. We had to stay there till the next morning under minimum conditions. In such occasions there were no possibilities for making any claims for relief to a senior officer. By that time I was a mother of a small child. As there was curfew imposed by the

government, there was not a single boutique open to buy some food. On the other hand police also did not provide any food due to the exceptional situation that prevailed in the area. It was due to these bitter experiences that I continued developed deep frustration with the service.

While we waiting on the road after being released from the service that day another senior officer saw us and took us to the station in his vehicle. Then we him told the difficulty that we faced. He blamed the officers who exposed us for such difficulty but he did nothing more than that.

This kind of insensitivity in the service and among seniors towards their juniors worsens the morale in the policing service.

I can explore the situation with one more example. One day, four officers including a sergeant went out for an out duty at night from the station where I worked at around 10pm. Meanwhile they arrested a suspicious woman on the road and handed her over to the women officers on duty for detention. Later in the next day the statement recorded from the detained woman was also done by the same sergeant. To extract information while recording the statement he questioned the woman forcefully. He verbally threatened her as well.

Later this woman complained to the senior officers, that she had been raped by that particular sergeant. Instead of properly investigating the complaint what the seniors did was interdict the sergeant. By that time he had an uninterrupted service at of around 38 years. He was at the edge of the service before the retirement and was the father of two children. He was not able to face the society as he was accused of rape. His inquiry did not conclude even for two years and he diagnosed with a psychological ailment. Finally he died of heart attack.

When the police officers participated at the funeral of the officer family members, relatives and the villagers made a huge protest against the department about the inefficient and delayed investigation that ruined the life of the deceased. They accused the police of causing the death of the officer. We were also shocked with that case.

In that particular case there were three more police officers with him. Immediately after the arrest he had handed over the woman to the women police officers at station. This woman did not make any complaint till the statement recording incident where she was forcibly questioned and verbally threatened.

Considering the above it was obvious that the complaint of rape was baseless. However, that aspect of the complaint was not investigated by the police due to the negligence and

careless procedure of the senior officers of the department. This shows the continuity of the lax attitude of the senior officers.

What is your opinion on the allegation made by many parties that officers in service tamper with official documents such as complaints, investigation reports and statements of the witnesses?

Certainly there is such kind of allegations against the police among the public. I have observed in the judicial process when the police investigations in criminal trials the police are accused of tampering with, or irregularities in the records. I would say that these allegations are correct in certain situations. For example: one day when I was in service, the son of the higher ranking police officer came to the station and took away the police jeep for a party event held at his home. Later we found that the vehicle met with an accident causing extensive damage to the vehicle whilst being driven by that particular son.

But the official record indicated that a Police Constable Driver (PCD) brought the vehicle. The Criminal Investigation Department (CID) held an inquiry into the incident and filled a case against the PCD who was held responsible and asked to pay for the entirety of the damage caused. Later it was revealed that the senior officer intervened and paid for the damage.

However, I have to say that it is very difficult task to tamper with the official records at police stations as many other officers are vigilant with reports. At the same time there is a particular officer for the custody of the records in every station. Even though an officer may tamper with a record it can be caught by the other officers in the station where there are parallel internal investigations with same records. So I would say intentionally tampering with a record is a difficult task with the regulations in force and the official procedures set up.

For example: when I was in service there was a complaint against two officers in my station that because there were some pages missing from the complaint recording book. In that case two officers, the officer in charge of the custody of official records and another in charge of issuing certified copies were charge with the loss of the missing pages. The conclusion of the investigation in respect of that case revealed that one police officer after making a complaint on a matrimonial dispute against his spouse, later wanted to remove the complaint pages, to prevent the other party knowing the content of the complaint against her as she was also in police service at the time. It was due to this that the officer removed the pages of the complaint recording book illegally. After the revelation of the incident the officer in question was found fully responsible, charged and punished at the internal inquiry.

There were many such incidents which occurred mainly due to negligence and the ignorance of the responsible officers. We were all taught at our initial training not to make any alterations or erase records. But I have seen there are some officers who never respect these rules. One day I saw a newly recruited officer removing a page after recording a complaint and hand it to the complainant for unknown reason. Then I immediately intervened and was able to prevent this from happening by explaining the rules of the department.

Considering these kinds of things it is my opinion that the newly recruited officers should be given much more thorough training on these procedures so as to pay attention to these common faults. At the same time I would say that these fatal errors account to the present exceptional collapse in the police service in the country.

At the same time the decline of the standards of the recruitment procedures are also responsible for this collapse of the service. There are many ways in which the recruitment procedures have been relaxed. For example: easing the standards of educational qualifications, avoiding the sensitivity on discipline and the family backgrounds of the interviewees, neglecting the interviewee's general knowledge etc.

Honestly speaking, I would like to talk about police with pride and dignity. However, for that we have to correct the errors and defects within the service.

What is your opinion on police torture?

I think I am having enough experience on that issue to be able to talk like many other officers in the service. First I would say I absolutely condemn police torture. At the same time I should say that police torture is one of the most fundamental faults that prevail in the service which challenges the fundamental structure of the service. It is fundamentally against to the teachings of investigation and basic principles of investigation accepted by modern policing systems in the world.

I have witnessed the torturing of arrested suspects at police stations. At the same time I have heard the screaming of suspects while they are getting tortured inside the stations. That is common experience for police officers in Sri Lanka. But I would say it is a very unpleasant experience. I have questioned whether I am serving in torture chamber myself many times in my life when I was in the service. Especially the situation which prevailed between the years 1988 to 89 was brutal and devastating. I honestly do not wish to relive those memories again.

I wanted to repeatedly mention here that these illegal things happen due to the lack of proper training and the defects in the basic instruction for police officers. I believe

physical and psychological discipline is sacred for a police officer all the times. I believe they should have continuous training to have tolerance and practice it as meditation. These qualities are needed at all times for an officer in service as they are engaged in very difficult work.

Our officers all the time pay much of their attention to get all the possible information from the suspect they arrest. I think that is the fundamental error that police officers do. When they try to get information from a suspect whom may or may not know the facts they officers become frustrated and turn to the use of torture. In turn I believe that if the officers can work much to investigate the surrounding facts and reasons for the arrest they can collect the necessary evidence just as efficiently. For that officers need to have much patience. They need to have a scientific approach for that. They should collect information without breaking the chains of evidence. For that they have to develop their research skills. They have to be able to analyse facts. On many occasions they have to properly preserve the relevant evidence and record the facts faithfully. All the time should have to have comparisons and verifications. Finally they should structurally establish the stories and go for the arrest, detain and produce the suspects in courts.

Many of these procedures require certain knowledge and a systematic approach. The officers need to use their scientific knowledge as well as scientific experiments with the assistance of many other agencies of the state. Officers have to develop these techniques by continuous training. Yes it is difficult comparing the results of a professionally investigated crime to those of an investigation in which torture has been used.

All these are included in the basic training of police officers in their early careers. But with time many of these techniques are forgotten by officers who go for the easier method of torturing the suspect in order to conclude the investigation.

The taking of finger prints or foot prints is a rudimentary compared to the modern techniques. But our officers pay little attentions for the very least of these things. If they do not pay attention at the very beginning of a crime scene investigation evidence can easily be destroyed.

During the time that I got ready for my retirement, we were given a series of training on the use of DNA evidence in criminal investigations. At that time I was serving in the Kandy division. That may be the reason that I was exposed to many of these new techniques. I found it very interesting and logical and enjoyed the scientifically established methods. We can establish a very strong case against an accused in a criminal case using these methods of gathering evidence. But there are two major division of service. The very first part is for the police officers and the second part is completely to the laboratory investigations.

But my personal opinion on that is the officers on duty in the crime investigation hold more than ninety percent responsibility on the weight of properly using DNA evidence. The utmost responsibility of the police officer in such cases is collecting the blood stains before they are destroyed. They have to provide the protection to the scene. They have to take the blood stains following the methodologies they are taught and without breaking the chain has to hand over the evidence to the laboratory after obtaining the necessary judicial orders.

If the police officers are going to use DNA evidence then the officer in charge of the crime scene investigation should follow the exact procedure on how to collect the blood samples from the scene. First he should know how to protect the scene of crime ensuring the lifespan of the material evidence. He should developed his investigative skills even to observe small micro materials. He should know how to differentiate the materials as to which are substantially relevant and what are not. All this depends on the maturity, training and experience of the officer in the area of criminal investigations.

In one way these are very sophisticated procedures but I feel that they are simple if we use our minds and training. We the officers have to work creatively and be able to adapt our experience to different situations. After I leaned these things I really felt that I was able to engage in professional and scientific work. But unfortunately, I only learned these things shortly prior to leaving the service.

These procedures are difficult but I believe that submitting this kind of evidence in a criminal trial against an accused gives a far greater chance of a successful prosecution. It is certainly much more successful than relying on verbal evidence. Scientific evidence cannot be easily challenged even by experienced lawyers. But as in the criminal trials the role of the investigating officers would be thoroughly questioned it would be much easier for them if they presented scientifically gathered evidence. Any hint or suspicion of torture by the police to obtain confessions only brings shame to the service.

So I believe in the future we should not be so ready to get the all the crime related information from the arrested suspects. Instead of that we have to go for these modern methods. Presently I know there are officers who are having this particular knowledge on the relevant field. But the number of these officers is limited. So the department should concentrate their attention to provide this kind of training to all the new recruits in the future.

The elimination of torture from the Sri Lanka police service will only happen only after providing such kind of successful training to all the officers and adopting such approach to the criminal investigation system.

What is the relationship between the police and the general public?

Certainly interrelationship between the police and the public is not good. But I have seen the many places where they maintain successful relationships with the general public in high standards. For example: The Kirulapana Police Station. I think the obstruction that police face when they try to establish better relationships are due to political influence and the intervention by the senior officers for their whims and fancies. In the present context in Sri Lanka the police officers in station always have to obey the orders of these two parties willingly or unwillingly. Then senior police officers always interfere with stations to fulfill the whims of individual influential parties. Junior officers are no longer able to object to those illegal orders. The public believe that police officers bow to the politicians and influential parties and are no longer impartial and independent in their inquiries and operations which necessarily affect the public. The public believes that the police do not care about them. They are neglected in the hands of the police. This has been the major accusation for many decades. Especially in the central province of the police I feel that most of the people coming from the lower starters or lower peoples belonging to marginalized groups like lower caste or poor sectors look at the police with suspicion.

Still police are not able to get the confidence of these people at all. The police especially in the cases where people belonging to such kind of social groups are victimised by the higher sectors of the society they cannot imagine receiving an impartial investigation. Though at the beginning of the investigations they might feel confident, later they give up when the people belonging to influential classes get involved or are the accused.

When these things happened it is the officers who are directly entertaining the public who are accused and face enormous difficulties. Finally we get harassed by the public. Most of the time we get defamatory treatment. People no longer tolerate these kinds of illegalities and discriminations. They openly accused us. But the senior officers who come with such illegal orders never understand these social changers.

For example: some time ago a group of police officers arrested the son of an influential person on financial fraud after having received a formal complaint. Then the wife of a senior minister called and informed the officers not to proceed with the investigation and not to file a case against the suspect. However, the officers who conducted the investigation did not adhere to the request and proceeded with the investigation and filled a case against him. Then a representative of the politician offered a few hundred thousand rupees to the officers and asked them not to file the case. It was suggested that they go for an out of court settlement among the parties. But they didn't accept that also and filled the case. Finally three officers out of that group of officers were arrested on fabricated bribery charges and interdicted from service. It is because of this kind of practice that the

police has now become a infamous institution that works only to fulfill the whims and fancies of the politicians.

At the same time I would like to say that the CID contributed much superior excellent service before the present time. The CID in the past conducted efficient and successful investigations and were able to assist the courts to prosecute more serious criminals. But presently we see that there is a decline of making complaints to the CID. At the same time there is a trend among people not to assist even to CID for their investigations. I personally believe that if the conduct of the CID is fully activated and necessary assistance is provided to it then we can have much better optimum use of their services. At the same time we have to encourage the citizens to provide their assistance to the CID by providing the crime related information that they have. At the same time we have to increase the public awareness on the service so that they know what to expect from the service and institutions like the CID.

Therefore if we need to develop the relationship between the public and the police we have to deliver much efficient and prompt service to the public. At the same time we have to maintain our service impartially. The department has to take special measures to minimize the delays in investigations and other departmental services.

There is an accusation that suspects are getting killed while in police custody. What do you think on that?

Yes there are such accusations. Certainly I think we have to have an impartial and neutral look at these accusations. The media directly makes this allegation to the police. But I should say that any officer in service does not like to see either himself or his associates getting interdicted or dismissed from the service. So all the officers in service are taking precautions and are much conscious of the possibility of such irregularities. So I can explain this allegation with an example easily. One day police officers arrested a suspect on obscene behavior after becoming drunk and detained him. He had been convicted for many other crimes as well as for the same crime before. The officer-on-duty that night was aware of the fact that he had told the officers that he would have his revenge. It was due to this that he was watched carefully. But in the morning he was found hanging in the cell by a shirt. Later it was found that he has taken the shirt from another detainee who was in the next cell.

Even this single incident shows that there are people who want to get revenge from the police even at the cost of their life.

If you have a problem do you go to the police?

Certainly if I am having a problem easily I can get the service of the police. I am still having such trust. That may be due to my capacity as a retired officer. But in my service life I have observed most of the innocent people face enormous difficulties at police stations when they came to get the purported services. When I was serving in Jaffna and Vavuniya I experience that many innocent poor people faced exceptional difficulties due to language problems. The majority of the officers in service in those areas with me had no adequate knowledge on Tamil to communicate with the ordinary people. On the other hand, when rich and influential people came to get the service of the police, the officers paid attention to their cases. Some time some officers provide their service for those kinds of people due to fear. I have seen that they are providing such service promptly.

Is there a law to prevent domestic violence?

I know that parliament adopted such an act in 2005. There are occasions that police file cases in courts under that law. But I have seen many occasion that even though there is a legal provision that police can fill cases on that basis they direct the victims to go and get the legal assistance from a lawyer and file a case in court. Most of the time it is the poor who come to court for such cases. They cannot offer necessary payments to retain a lawyer for those cases but police officers direct them to lawyers in order to minimise their duty and neglect their official responsibilities. So I believe that if there is a proper awareness programme to the police officers on the legal space and the responsibilities of the officers under the act that would help many victims who come seeking justice and relief for their problems. Especially the victimised women should be handled with much more professionalism and maturity by the officers. On the other hand the police officers should be made aware of the ignorance among the rural and backward sectors of the society before they are deployed to these branches where women related matters are handled. I have to say that many cases reported to the police never end up with proper legal relief to the victims. That is due to the lack of the knowledge of the victims and the difficulties in the court proceedings. In such occasions the duty of the police officers can be seen as most sacred.

Interview 40

SRI LANKA: R.M.C Menike



“I think police torture is one of the fundamental problems that we need to overcome as a nation if we want to see a bright future for the nation.”

Mrs. R.M.C Menike (52) is Sinhalese and from Palapathwala, Matale. A staff nurse by profession; she talks about the policing system of Sri Lanka.

What do you think about the policing system of your country?

On many occasions I have not been satisfied with Sri Lankan Policing System. Because of my career I have to work with police personnel frequently. There were occasions in which I have spoken to police officers and we have shared our experiences. After listening to their stories I have developed a frustration, especially towards the senior officers in the police service.

Presently I am serving in a base hospital in the Matale district. It is a very difficult area. One day one officer attached to the police station next to the hospital, came to gain our service. He expressed his frustration with his profession. He explained many stories which made me surprised. It was far different to the situation that I knew before. One story he revealed was this:

One day one senior officer came for an inspection tour to his police station in the morning. At the beginning of the inspection he informed the officers of the station that he needed to have a set of furniture for a house. By the evening the officers had to prepare that for him. At the end the expense for the furniture was borne equally by all the lower ranking officers of the station. He went on to explain that it is very usual practice that when a senior officer comes for an inspection they have to provide what the officer requests. If they failed to fulfill the requirement they have to face various punishments in the future.

He explained the situation with one more example that shows the horrendous situation of the institution. One day the police officers attached to particular road block in their division had to receive a senior ranking police officer who was passing the area in his official vehicle. As he passed the road block he stopped the vehicle and called over the Officer-in-Charge of the contingent and gave him the cap of a special bottle. The senior officer told him that all of the officers manning the road blocks in the area had to find a bottle of that variety of foreign liquor. The officers searched all the liquor shops in the area but failed to find it. Finally they were able to buy one bottle from restaurant of a hotel for which they had pay a very big amount for that bottle. However, the police officers as a whole also were not able to bare that amount. In order to come up with the money they had to stop many vehicles and search for defects for which they could demand fines. Then instead of taking the drivers to court the officers had to suggest that they pay something in order to avoid having to go to court. The drivers all knew about the prolonged court delays and were happy to pay the 'fines'.

He told me that it is very common to have such illegal orders from senior officers when they were deployed to the traffic duties.

After listening to this case I understood psychological trauma that all these lower ranking police officers face while they are engaged in their duty. I further realize that though many people in the country blame the lower ranking police officers for their irregularities, unlawful occurrences and malpractices, most of the times it is the senior officers who actually responsible for these practices.

It is due to all these illegalities and corruption and malpractices that I am presently have deep frustration towards the entire police service of Sri Lanka.

What you think about the relationship between the police and the general public?

I think it has drastically deteriorated to a state that cannot be repaired easily. Now there is no easy way for that. As I observe there are deep frustrations and hatred among public against the police.

I think I can explain the present situation of this condition by an example. Usually police arrest and bring people who were suspected of misbehavior due to drunkenness to the hospitals to produce to a doctor for further examinations. It is one of the daily occurrences that happen in hospitals. I have seen those throughout my career. When police officers bring these suspects in I have witnessed in many incidents where officers treated them in a perverted and degrading manner. I have witnessed the way they talked to these suspects. In many occasions even before they produced before the doctors I have seen how they assault the suspects.

By witnessing this I can predict how the anger and hatred would have arisen among the public against the police.

What do you think about police torture?

I think police torture is one of the fundamental problems that we need to overcome as a nation if we want to see a bright future for the nation. I think this is happening due to the ignorance of the police officers in their profession and duty and while respecting the rights of the people. The fundamental purpose of the police is that they are there to protect the people and maintain the law and the order of the country. Each and every officer in the service is responsible and accountable for this sacred and utmost duty. If they properly understand the duty of responsibility to the service they are supposed to render to the public, they would be no torture at all.

I have seen many suspects who were admitted for treatment after they were extensively tortured by the police. By watching and treating them, while listening to their case histories I have learned how they were tortured in the most brutal and barbaric manner at the hands of the police. In many cases I have met innocents that have been arrested on false charges. But they have been subjected to a severe torture. In many occasions they were in critical condition when they got admitted. On many occasions these patients narrowly escaped death due to our intervention of the doctors and other paramedical servicers. Many of the patients who get admitted to the hospitals by the police officers after being subjected to extensive torture only get admitted at the end stage of their conditions. I am proud to say that we, the health sector of the country were very much trained and experienced to deal with these situations and this may be due to the many emergency situations which occurred during the intense war situation. If the health sector were unable to cope many of these patients would have died.

Anyway I would like to say that we have to take all the possible steps to totally eradicate this practice of torture. I personally believe that normal policeman needs to be at least up to the standard of the layman. So how can one man could treat another in this way? I think we have to think twice about what is going on in this country.

In official state premises a man killing other man while executing his official powers -- what is this? In the recent past in many reported occasions hundreds of people have died while they were in police custody. In many occasions I have treated patients who were subjected to torture by police, though we saved their lives they will be disabled for the rest of their life. On many occasion I have thought that even in our ancient times the Kings would have not used this kind of punishments to the people.

I think the perverted mind set of many officers are the main cause of these practices. This

may be the result of those mindsets. How can this type of officers be in a state service which is meant to uplift the life of the people? I believe even an ignorant layman would not treat an animal in our country like this. These things are such cruel practice.

According to the leaning that I had in health sector I believe these practices can only happen as a result of the deviation of mentalities or psychological illness. Otherwise no one can execute such cruel things that they have done to these patients.

So I think the origin of this problem may be due to two defects in the police service. One way is at the recruitment process where there are obvious defects where the interviewers cannot identify the good officers who are in sound psychological and physical condition for the service.

Otherwise it may be due to the culture or the working environment that push the officers or encourage the ordinary officers to use this kind of inhuman practices in their carrier. Anyway it is the duty of the lawmakers or the supervising bodies of police service to look into the root cause of these practices and make necessary precautions to eradicate this practice. Anyhow I would say this cannot exist in civilized world. As a country we have to eradicate this as soon as possible. It is the government that needs to pay its highest attentions to these areas to find better remedies to these problems.

If you have a problem do you go to a police station to take their service?

I think you raised an important question as certainly there are many occasions that as ordinary citizens of the country where we need to get the service of the police. But due to the frustration and unclear image I have never been encouraged to go the police to get their service at all. I think if there is such situation I would try to get a service by some other option. Due to the experience that I am have on the policing system of Sri Lanka and the stories that I have learned I have no will to go to get their service.

I think due to the profession that I am engage in I belong to a category that deserves a certain respect in the society. So I think I have earned this certain self respect too. I know that when people went to the police station to get their services the officers in duty in some occasions completely destroy the respect of the people. Mainly it is the language they use to talk to the people who come to get their service. Sometimes it is their behaviour which is generally of a very lower standard.

I can explain the situation with example: one of my friends who was working with me in the same service one day went to the police station for a land dispute. While they were accepting her complaint the police officers on duty cursed her in very obscene language. Later my friend learned that the other party of the dispute had talked to the officers in

the station before her arrival as they had a relative in that station. This is the way how innocent people are put into very shameful and disgusting situations due to personal bias of the officers.

Is there a law against domestic violence in Sri Lanka? What is your idea on that?

I know that there is such law in the country. There was an awareness programme for all our staff also on that law. So I am proud that we are having such law in the country. The daily reports of electronic media like, televisions, radio and the printed media as well explore many incidents that happened in a widespread manner. In these cases wives and children have been subjected to many difficulties and very vulnerable situations. As a health sector professional I have experienced the same. I have participated in treating many patients who got injured due to domestic violence.

I learned that the particular law provides special protection to the wives and the children in vulnerable situations especially against the cruelties that happen domestically and even against the continuing harassments. I know that there are provisions that enrich parties to take even legal actions too. I personally am happy with that law. When I listen to the patients, the wives who were subjected to domestic violence I know that this is one of the major problem that exists in the country. I listen to the cases that end up with hospitalization. But the number of people who keep the situations hidden under the carpet and suffer alone would be much more.

I can explain my experience with an example. One day a 14 year child was admitted to the hospital where I was in service for treatment. The doctors diagnosed a fracture on the right leg. When the child was admitted the mother of the patient also came to the hospital and got treated for a head injury. The mother was with another child of one and half year. Though the mother came to the hospital with a hemorrhage her condition was not that severe so the doctors put in three sutures and were able to treat without much difficulty. Then the mother left the hospital. But at the very beginning we didn't know the connectivity between these two patients. Later the child who was treated as an indoor patient revealed that her father assaulted her mother due to being inebriated and when the child tried to intervene in his intoxicated state he struck her as well.

Then we let the hospital police post know the situation asked them to start an investigation. Later we came to know that legal steps have been taken against the father under the new Prevention of Domestic Violence Act.

So I believe that this law would help to protect the wives and the children within the families.

Interview 41

PHILIPPINES: Mayang Reblando



"To have a good relationship between a police and a citizen, first they should respect one another."

Ms. Mayang Reblando, the daughter of the slain journalist, Alejandro "Bong" M. Reblando speaks against bad policing and torture

What do you think of the policing system of your country? Is it good? Or do you think it should be different? Kindly explain. You can take your time.

To my observations the system of policing in the Philippines is good, but there are some problems in implementing the laws such as while some of the law enforcers abide by the laws others abuse their powers because they believed that they are in the authority. Some people also in the government were abusing their powers too in a sense that whenever they were apprehended with their mistakes because they break some of the laws they wouldn't matter because they know that it's a "payable" mistake.

What do you think of police use of torture? Good, Bad? Kindly explain.

Talking about the police torturing some of the accused or prisoner is way beyond the norms. I mean there is no such permitting torturing in our country. And the fact that they police are in authority does not give them the right to do it. They are the law enforcers so they should be acting according to the laws they are implementing. All the people have rights, even if they are a prisoner; they still have the human rights.

What is your idea of good relationship between police and citizens?

To have a good relationship between a police and a citizen, first they should respect one another. In every relationship there should respect to one another and of course we need

to see our limitations, like for example the law enforcers should have their limitations in their work they should do the things they just need to do and consider the rights of every human being either that person is in the authority or a normal person living simply.

If you have a problem, would you feel safe to go police and complain? Kindly explain.

Frankly saying, in the status of our country I am not a hundred percent sure of my safety in telling a police whenever I had a problem. On my own points of view, I think that in every country there is always bunch of persons who are really not performing the right tasks they need to do. It is just so sad that we hear and see from news that judging the accused are not fair. Some were too greedy for power and money that they not need to apply the law correctly. Like what we see from the news recently that some policemen were torturing a prisoner knowing that they have the power because they are in the authority and that people were afraid in telling the truth of what they are doing considering that they can be maltreated with the person concerned.

Is there a domestic violence law in your country? If yes, is it well implemented? If not what are the problems?

There is a domestic violence law here in the Philippines and it is implemented, but there are problems in the implementation. First is when some who were enforcing the laws were the ones abiding it. Second is when in the authority is abusing their powers. Lastly, when there is bias in helping the people or the accused.

About the Author: Mayang Reblando, a student, is the daughter of the slain journalist, Alejandro 'Bong' Reblando who was killed along with many others during the Maquindanao massacre.

Interview 42

PHILIPPINES: Alice Gapal



“The problem is that most of our police abuse their authority and that results to a wide gap between them and the citizens.”

Mrs. Alice Gapal, a member of the Gabriela Women's Party talks about the Philippine National Police

What do you think of the policing system of your country? Is it good? Or do you think it should be different? Kindly explain. You can take your time.

For me, what I noticed most is the "kotong" system (extortion) of the police. On the contrary, they do not comply with their real task as police of people when it comes to the implementation of the law, on traffic for instance. They can be easily dissuaded by bribery. So I think the supposedly police system here in our country, meaning the task of keeping peace and order in our society, is not being put in practice by most, if not all, of our police.

What do you think of police use of torture? Good, Bad? Kindly explain.

For me the police use of torture is unjust and excessive. The use of torture is coercion and disrespect of human rights. The police do not have to coerce the person they are interrogating. But most often, what prevails on our police is their authority, as if it is above the law. They tend to abuse their power and always think they can use torture on any ordinary person.

What is your idea of good relationship between police and citizens?

I believe in the ability of the police to help us when we are in trouble. For instance if there

are incidents of hold up in streets, the first thing we do is run to them and ask for help because we recognize their authority and we rely on their responsibility and commitment of keeping peace and order. The problem is that most of our police abuse their authority and that results to a wide gap between them and the citizens. The people have lost their trust with our police because of reports of abuse of power and their involvement in scandals and crimes that we often see and hear in trimedia.

If you have a problem, would you feel safe to go police and complain? Kindly explain. It depends on the police. If I think I can trust a police, maybe it would help to make me feel safe when I ask for his/her help. Otherwise, I would just think that this person cannot help me in any possible way.

Is there a domestic violence law in your country? If yes, is it well implemented? If not what are the problems?

I am aware of the domestic violence in our country. We can find a lot of this mostly in houses where there are maids. I think this is because of our normalized notion of hierarchy, the notion of dominant and subordinate. But if we really recognize and respect the human rights of all individuals, maybe there will be no more domestic violence.

I am much aware of the Republic Act 9262, the law on violence against women and children. It really helps in raising our awareness on domestic violence. Many of us, especially the police and men, become aware of the rights of women and children. The formation of women's desk in barangays is also a result of this law. On our part in Gabriela Women's Party, we integrate the discussion of this law in our organizing work in communities.

Interview 43

PHILIPPINES: Rosa Cruz



“The people must not be frightened of the police.”

Ms. Rosa Cer Dela Cruz, a broadcasting student shares her views on policing in the Philippines

What do you think of the policing system of your country? Is it good? Or do you think it should be different? Kindly explain. You can take your time.

The policing system in the Philippines is harsh. The logic of having a police is supposedly to keep the internal peace and order in the society. But they (the police) clearly function as an instrument of the state, a repressive state apparatus, defining peace and order as the implementation of all the government's order regardless of its effect or impact to the people. Their concept of peace and order is based on the enforcement of the fascist scheme and not on serving the people.

What do you think of police use of torture? Good? Bad? Kindly explain.

Police use of torture is not good. The penalty of even the worst criminal should be based upon and depend on the procedure of the justice system. Even the humanitarian law enacted in the whole world is against torture. There are anti-torture acts that supposedly protect us from any kind of torture. And I think there is actually no relevant information being extracted in that method. As they say, when you undergo an extreme torture, you will admit everything, even killing Jose Rizal. They just want to afflict their captives.

What is your idea of good relationship between police and citizens?

The people must not be frightened of the police. Many drivers and civilians feel anxious because for them, the presence of a police implies extortion, or a harmful individual that might assault them. It should not be like that. I think the only way for the police to earn the people's respect and recognition of their role as protectors of society is to really serve the people's interest, and not to frighten or harass them.

If you have a problem, would you feel safe to go police and complain? Kindly explain.

It depends. I noticed that they treat different kinds of people in many different ways. If you look like a professional, they will treat you politely. For the Broadcasting students like us, since hanging around with the politicians is part of our academic requirements, we were treated by the police in a good way. But as an activist, I think it is NO because they are elements of the state and in the end, they will still serve for it.

Is there a domestic violence law in your country? , If yes, is it well implemented? If not what are the problems?

I know that there are those who push for a law against domestic violence but I am not sure if it was already passed. Or if it was passed, I think it is not enough. Many people consider domestic violence as a personal grievance, for example a dispute between husband and wife. They do not consider them as a crime. And many of those who experienced domestic violence do not want to expose their experience in public.

About the Author: Rosa Cer Dela Cruz is a broadcasting student in the University of the Philippines and a member of Anakbayan

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