

Sri Lanka: How lawlessness affects women

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Utter lawlessness in Sri Lanka makes women and young girls into victims. Cases of violence are reported daily by the media. State agencies are unwilling and often unable to assist these victims. In fact, quite often the police take the side of the perpetrator due to the influence of bribes or other favours or pressures.

When the law is unable to provide even minimal protection to women, what is the point in talking about the rights of women? Nice speeches can be made on women's rights, but when they are unable to get the protection of the state, all the talk about their rights is not taken seriously by anyone.

Ms. Srini Wasana Amaratunga--Wattala Police Station

In this case a 33-year-old English teacher who went to the saloon for a haircut, was murdered and robbed of her jewelry, which was worth a little over Rs.100,000 (around USD 1000). The alleged murderers, a couple, paid a mortgage with the money. They put the dead body in a toy box and dumped it far away. Srini's body was found on 25 September 2011 at Elakanda, Wattala, in Gampaha District by Wattala police officers while on patrol at around 3am.

Srini was married and a mother of two children. She was a music teacher by profession and worked at the Loyola College, Kochchikade, Negombo. Srini's husband is employed overseas and she lived with her mother and two children. On the morning of September 24, Srini left her home in Daluwakotuwa, Kochchikade for Negombo town to pay some bills after having her breakfast with her family. Before she left she told her mother that she need not cook since she would be bringing home lunch. But as did not return home the worried family members made a complaint to the Negombo Police and requested the officers on duty to take all the possible measures to search for her. Her colleagues too started their own search.

On the morning of September 25, the victim's family were informed that a team of police officers attached to the Wattala Police Station found a woman's body from a canal at Elakanda. Srini's relatives later went to the hospital and indentified her body. According to the police, there were no visible external injuries on her body and there was no evidence of her having been raped. There were some burn marks around her mouth however. According to the government analyst's department, where certain parts of her body were sent for examination, she died three hours after breakfast. Her earrings, gold bracelet, chain, and two rings were missing.

In the last two months alone, there have been many similar robberies in the Negombo Police Division and other parts of Gampaha and Colombo Districts. The families of the victims have blamed the police for failing to solve any of these crimes.

Human rights activists believe that a gang of women could very well be behind these crimes, but as the police have so far failed to investigate any of these cases this is not confirmed. It is believed the victims are followed and then enticed with narcotic drugs before the robberies. The gang act in a systematic method, where one group is responsible for befriending and drugging the women, and another given the

responsibility of stealing their valuables including gold jewellery before abandoning them in a desolate spot.

There is more to these incidents than meets the eye, and state protection for women and children leaves a lot to be desired. In the last two or three months alone, more than a hundred cases of murder, abuse and rape were reported in different parts of the country.

Despite laws aplenty in Sri Lanka vis-à-vis protection for women and children, and major religions professing non-violence, violence has beset the nation since independence and there are no signs of it abating.

There is an exceptional collapse of the rule of law in the country, with the law enforcement agencies simply turning a blind eye to the situation and forgetting their statutory duties. The lethargic approach of these officers and the undue delays in the judicial system has exasperated the situation to the point where the general public lives in constant fear. Srini's relatives fear they will not be able to obtain justice due to the apathy of the police. They note that even after they made a complaint on September 24, the officers of the Negombo Police Station did not take appropriate measures to undertake a meaningful investigation.

Rape of a 9 year-old girl - Peradeniya Police Station

Mr. Mohammad Mulafar and Ms. Siththi Farina are the parents of three children, two boys and a girl, residing in Mowbray Estate, Mahakanda, Hindagala. Their only girl is 9-years-old. She was a student at Peradeniya Tamil School in year 5. The father is a labourer and the mother a domestic helper. They are the only Muslim family living in Mowbray Estate.

On 5 October 2010, their daughter could not go to school due to the heavy rain and her elder brother also stayed at home; only the second brother went to school. On that day both parents left for work. The elder brother went to play with some other children at the estate.

Around 11am a well known neighbour, Sinnamuttu Kirubakiran, alias Raja, came to the house and asked the girl to come to his sister's house, which was very close. The child complied and when she entered the house, she was raped by him. After the assault she was given five 20 rupee notes. She was also threatened with murder if she revealed to anyone what had happened to her. In addition, she was forced to bathe and wash her clothes.

A few hours later, the girl went to a boutique which is close to the house to buy biscuits with the money given to her by the suspect. She then met Raja's wife, who beat her, accusing her of stealing the money. The girl fainted and the neighbours came to assist. With their intervention they were able to rescue the child. When she regained full consciousness, she revealed what had happened to her. When her parents learned what had happened they took her to the Peradeniya Police Station at around 8pm and made a complaint. Immediately after registering the complaint, they took her to the Teaching Hospital of Kandy, where she was admitted for treatment upon examination. She was treated in ward 7 of the hospital until October 7. Before she was discharged, the Judicial Medical Officer (JMO) also examined her and recorded the medical situation.

Officers attached to the Peradeniya Police Station visited Mowbray Estate that evening and searched for the suspect. However, he was not arrested and after the police left the estate he went to the child's house and pleaded with the parents for a settlement instead of going to court. The family members learned that

the suspect was subsequently arrested. He was produced before the court on October 7. He was represented by a lawyer, denied the charge of rape and accused the child of stealing money.

The suspect is a wealthy and influential entrepreneur, owning two business shops and a passenger bus. The parents fear he will influence the police officers to withdraw the original case of rape and file a fabricated charge of stealing money against their daughter. The victim's family stated that the police did not take sufficient steps to complete the investigation into the rape.

Meanwhile the suspect's brother-in-law threatened to kill the victim's parents if they pursue this case. The parents made a complaint to the Peradeniya Police Station regarding this on October 8, which was recorded under reference No. CIB 390/210. However, no investigation or further action was conducted by the police, leaving the victim and her family in fear of their lives.

The suspect was accused of raping another 14-year-old Tamil girl living in the same estate on October 14. Though the case was reported to the Peradeniya Police Station, the police have still not taken appropriate steps to either arrest the suspect or take the necessary legal action against him. The residents of the estate and the victim believe this is due to him bribing the police.

Furthermore, the parents fear that the medical report pertaining to the case, which has not yet been submitted to court, could be changed due to the influence of the suspect.

The parents of the victim are pleading for protection and are seeking speedy justice, which alone will alleviate the threat and danger to the child and family.

Rape of a 10 year-old girl - Nawalapitiya Police

On 31 December 2010 Anoma (not her real name), a brilliant year 10 student of a reputed girls school in Nawalapitiya was home alone. Her mother, Mrs. Manori Chamini Perera was out at a nearby house helping for an almsgiving, while her father was out of the country for work. While she was having her lunch at around 11:30am, there was a knock on the door; a man asked for a knife in order to do some repair work on his vehicle. However, when she handed over the knife, the man forced his way into the house.

The man threatened the child and attempted to rape her but she started to struggle. In the course of this attempt he stabbed the child on her head and neck. He further slapped her, knocking out a tooth and breaking her nose. Finally the child was able to run out of the house and shout for help.

The suspect fled when a neighbour came to the scene. This neighbour then took the girl to the Nawalapitiya hospital, but due to the seriousness of her injuries, she was transferred to the Kandy Teaching Hospital where she was treated at ward 4 for eight days.

The hospital authorities informed the Nawalapitiya Police Station and officers came to the hospital and visited the house at around 10pm. After the child was discharged from the hospital, she was called to the Police Station several times by the police to identify the perpetrator. The child and the eye witness both gave enough information regarding the identity of the perpetrator but until now, the police have failed to arrest him.

On 31 January 2011 Anoma went to school for the first time after the incident, and saw the perpetrator waiting at the school gate. Sure of his identity, she informed her mother, who in turn informed the officers at the Nawalapitiya Police Station. By the time the officers arrived however, he had already left.

According to Mrs. Monari, the suspect was a resident of the house where she was helping with the almsgiving. He belongs to an influential family and is closely associated with the police. She believes that it is due to this relationship that the officers are reluctant to arrest him or take any legal action against him.

Mrs. Manori believes that the suspect came to the school when her victim daughter was there with the intention of causing further harm to the child. She further states that her daughter and the witness are now exposed to danger as the police officers are not implementing the law. They should be provided with protection and the case should be referred to the Magistrate's Court so that the learned Magistrate can be made aware of the situation, says Mrs. Manori.

It is clear that when the police as a law enforcement agency fail to carry out impartial investigations into an incident and bring the culprit before the law, it curtails the rights of the victims for redress.

The abduction of a 17 year old girl

Mr. Mohamed Niyasdeen of No. 439 Peradeniya Road Kandy is a businessman by profession in Kandy. He is married with one daughter aged 17 years. On 24 December 2010, his daughter Aaesha (not her real name) went for her tuition classes as usual, but never returned home. Later in the evening she called Mr. Niyasdeen and informed him that she was in a train, and then the line got cut. Following the telephone message, Mr. Niyasdeen made a complaint at the Kandy Headquarters Police Station and it was registered with the number CIB (i) 381/509 on the same day. Though Niyasdeen explained his grievances the police did not pay proper attention and take any necessary measures to search for his daughter. Then he made another complaint to the Child & Women Care Bureau on December 28.

In March 2011, Mr. Niyasdeen received a message that his daughter was abducted by a person named Yasitha Yohan who is working at George Goonaratne Optometrists in Piliyandala, and that she was being kept in his house at No. 9 Heraliyawa, Temple Road, Polgasowita, Kahathuduwa.

Mr. Niyasdeen went to the Kahathuduwa Police Station on 29 March 2011 and made a complaint regarding the abduction of his daughter; CIB 283/482. Then he went to the house at Temple Road with two police officers. Yasitha, his mother, brother and brother's wife were all at the house. The police officers went inside the house and found that Aaesha was also present, but Mr. Niyasdeen was not allowed to talk to her or see her. After having a confidential talk with the residents, the police officers informed Mr. Niyasdeen that if he wants to take his daughter back, he should come with the Kandy Police officers, and that they cannot do anything.

Mr. Niyasdeen returned to the Kandy Headquarters Police Station and informed the officers of the situation, seeking their assistance to retrieve his child. The response of the Kandy officers was no better; they said they could only inform the Kahathuduwa Police Station, but could do nothing. Mr. Niyasdeen believes that the police officers are under the influence of a powerful politician and that Yasitha has his support.

A month later, in April, Mr. Niyasdeen received a message that Yasitha has married Aaeesha by providing false details to the registrar.

Mr. Niyasdeen is seeking justice as he believes that his daughter was abducted and detained by force and that the police have failed in their duty to investigate the matter. Furthermore, when the child was found they blatantly refused to take any action to retrieve her or ascertain as to whether she was, in fact, abducted or had gone of her own free will.

The lady editor of the Sunday Leader threatened with death

The Editor of the Sunday Leader, Frederica Jansz received a death threat via the post to her residence on 27 October 2011. Frederica lodged a complaint with the Mirihana Police regarding the threat, but no protection has been provided her, or any action known to be taken to investigate into the matter.

This is not the first time and it certainly will not be the last that Editors at this newspaper receive death threats. Sometimes handwritten, sometimes typed, these vicious notes (this time it was four pages long and written in the most abusive and insulting language) always come anonymously posted by persons too cowardly to be identified.

Since 2008, there have been four murders of journalists in Sri Lanka. Each of these journalists spoke against prevailing state forces. None of the cases has been solved. The well-known cartoonist, Prageeth Eknaligoda, has been missing since January 2010. Over the past few years, more than 50 journalists and activists have fled Sri Lanka because their lives are in danger. Impunity continues to encourage the perpetrators.

Conclusion

Thousands of incidents similar to those cited above have created a sense of helplessness in the Sri Lankan population at large. Generally there is agreement on the part of the public that the police and the courts are not interested in their problems.

Deep insecurity is the result of the realisation that the state is unable to provide basic protection and that there are lawless elements who will exploit the situation to their advantage.

Women try to solve this situation by imposing huge restrictions on themselves. They avoid travel in the evening and even during the day they will ensure that they are accompanied by someone. Particularly the mothers of teenage girls accompany them to schools, tutorials and any other place due to the fear that they might be harmed if not accompanied.

Nowadays, most women do not wear jewellery, not only to prevent theft but also to not draw attention to themselves.

Added to all this, the language used by the police as well as the criminal elements against women is most crude. References to their genitalia and the sexual abuse they could be exposed to are routinely made in uncouth language.

What worries everyone is that there is no solution to these problems as the state has abandoned its duty to protect the rule of law.

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