

Interview 1: SRI LANKA: Harshi C. Perera

Harshi PereraHarshi 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.