

Interview 32: SRI LANKA: Sarani Fernando

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.