

Interview 37: SRI LANKA: A retired Woman Police Constable

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, Serunuwara 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 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.