

UNJUST: The mirror to see Asia

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A reflection on the documentary UNJUST, directed and produced by Josefina Bergsten

What is the point of talking about justice when someone can bribe the police and judges and there is no system to prevent such bribery and corruption? This is a problem that most countries in Asia have to deal with, to one extent or another, making protection under the law unattainable for many common people. The basic principles of liberty are dead in many countries of Asia, resulting in citizens becoming subjects of unjust 'political' elites.

A political oligarchy rules with impunity in countries like Thailand, Sri Lanka, Indonesia, the Philippines, Bangladesh, India, Nepal, Pakistan, the Maldives and Burma, and anyone outside this minority elite cannot count on fair protection under the law. In many of these countries we can clearly observe that the military has replaced religion as the guiding force behind government policies, giving the military undue power and marginalizing religious organizations. Regimes become military cults, while the civilian population suffers without any means of legal protection. As a result of the relation between the military and the ruling regime, justice is inaccessible to the ordinary people. As the Italian writer Joshua Borsi (1888-1915) once explained, "When a judge is unjust he is no longer a judge but a transgressor." This is what is happening in Asia today.

When the law becomes a commodity that can be purchased and justice is an item unknown to all but an elite minority connected to the military, a country is on the road to instability and conflict. In his famous book *The Gulag Archipelago*, Aleksandr I Solzhenitsyn wrote, "If we didn't love freedom enough, and even more--we had no awareness of the real situation.... We purely and simply deserved everything that happened afterward." A similar situation can be seen today in Asia, a mentality created over a long political process by certain governments. As a result, most people in Asia have little or no concept of what freedom really is.

In Thailand, both the 'yellow shirts' and 'red shirts' have held protests against certain governments and each time the military was used to break the protests. Hundreds were killed, many others were wounded, and others are still being detained. The law has done nothing to protect the rights and lives of these civilian protesters and has instead worked to protect those that harmed them in the first place. Extrajudicial killings, honour killings, harassment, killing of witnesses and various other crimes are rampant across Asia. The relationship between crime and power is as close as skin to bones.

UNJUST, a documentary directed and produced by Josefina Bergsten, reflects on various social circumstances present in Asia today, and is a looking glass through which to see the region clearly. By carefully documenting three stories of human rights violations and the corresponding struggles for justice, Josefina gives a broader understanding of the situations in each of the three countries.



For her work, Josefina was given the Creative Media award by the Asian Human Rights Commission on 27 July 2010, in Hong Kong. "It was four years of work," she replied to guests attending the ceremony. During her acceptance speech, she noted that the three women she filmed were the bravest women she has ever met, and this courage shines through the entire documentary. Josefina observed the cases from the bottom and let the victims come out with their own ideas, which gives a unique perspective to the stories, rather than simply interviewing so-called experts or government officials on the subject. It puts a human face to human rights issues.

UNJUST makes a strong link between the top and bottom layers of society. Her three stories explain to viewers the problems facing Asia, as well as their root causes. One of the stories is that of Suciwati, wife of the late Munir Said Thalib, an Indonesian human rights activist and founder of the organization KONTRAS. Munir was poisoned aboard a Garuda flight to the Netherlands in 2004, and since then Suciwati has been struggling to seek out those responsible and bring them to justice.

According to KONTRAS, "The murder of Munir showed that there has been, and continues to be, a political conspiracy involving the state apparatus focused on using violence and intimidation to prevent people from being too openly critical of those in power in Indonesia." ¹

When an Indonesian court decelerated the prime suspect in Munir's assassination not guilty, Suciwati noted, "The court process that we saw today has lost its way. We have

seen, we have witnessed, that the trial we have been waiting for has been ripped to pieces by powerful men.”

“I’m just a human being, a mother, a woman. I’m tired but I won’t give up. I’ll have to rest first to recuperate my energy so that I can come back again to fight for justice,” said Suciwati, after the court’s decision was given.

The story from Sri Lanka is that of Padma Perera, the widow of the late Gerald Perera, who was shot dead just before he was due to testify against the police officers charged with torturing him. According to the documentary, “the murder trial against Padma’s husband’s killers, which began in 2006, is still ongoing. The assassin Ajith, who was out on bail, has disappeared and police sub-inspector Suresh, who hired Ajith to carry out the shooting, is back at his job. No one knows when the trial will finish.”

In the film, Padma notes that as the dispensation of justice is delayed by ineffectual courts, justice itself is irreparably damaged. Her story gives a real view of the situation in Sri Lanka, where ordinary people must deal on a daily basis with a corrupt and congested legal system.

Anghkana Neelaphaijit is the wife of Somchai Neelaphaijit, a respected Thai lawyer who disappeared on 12 March 2004. “Somchai vanished shortly after filing a complaint on behalf of five persons who alleged they were tortured while in police custody. Somchai was the attorney for several ethnic Malay defendants accused of security-related offenses.” 2

According to the film, as of June 2010 Angkhana had not succeeded in bringing the police suspects to trial on murder charges. She often travels to Thailand’s Muslim South to assist people who are struggling to get access to the justice system. Anghkana remains hopeful that she will one day find out what really happened to her husband.

The point that struck me at the end of the documentary was that a just war is better than an unjust peace. An unjust peace creates greater social destruction than what a just war might create. As Angkhana said after watching the documentary recently, “I lost everything, even my private life.” This is what millions of people who are victims of the military and its sponsored regimes enjoy today. We are just victims of the system. However, the power of UNJUST is in its message of hope, as retained by the three women in their fight for justice, as well as those supporting them.

1 http://www.kontras.org/eng/index.php?hal=prog_ker

2 <http://absolutelybangkok.com/missing-lawyer-somchai-murder-with-impunity/>