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SRI LANKA: When the law becomes comic - Part 8

Bribery and Extortion are the causes of Police abuse of power

By Basil Fernando

(August 15, Colombo, Sri Lanka Guardian) "That gentleman can't stand the sight of young boys. He arrests them and takes them to the police station and assaults them. Parents go to the police station and pay money to get the boys released. He arrests the boys in order to make money. We also went to the police station when we heard about the arrest of our son, and we took money to give him. But we were not shown the boy and we were unable to rescue him," said the mother of Tharanga Fernando to the BBC Sinhala service. Tharanga Fernando was one of the two boys killed after arrest by police officers from Angulana police station.

The father of the boy said, "When we went to the police station we found that all the police officers were heavily drunk."

The Angulana police murders of two youths, Dinesh Tharanga Fernando and Danushka Udaya, has shaken the whole area and led to violent protests by a large number of people from the area. The army and the Special Forces were sent to restore peace and all the officers of the police force are reported to be transferred. Even the police spokesman, who earlier is reported to have said that the boys were linked to some drug business, later told the BBC that there is evidence to connect the OIC of the police station with the murders.

Meanwhile, there was a highly publicized report that Vaas Gunawadene, the CCD director - whose family allegedly was involved in the kidnapping and assault of Nipuna Ramanayake - seized a van carrying bombs. However, his immediate superior, the DIG of the area, denied any knowledge of such an incident. It was reported that the superior has called for an inquiry into this alleged incident. It is a quite usual tactic that when police officers are accused of torture and other crimes, at High Courts or even at the Supreme Court, for them to file reports of various kinds of heroic deeds they are supposed to have done as a part of their defense. The underlying argument is that these officers are very essential to national security and therefore any action taken against them may damage national security.

Also, the policy of extrajudicially executing criminals has been exposed, and Mr. Mangala Samaraweera, a leading opposition politician, quoted the Inspector General of Police as saying that he undertook this policy on the instruction of the president. There's also an allegation that some of the underworld figures who have been assassinated were in fact persons who have engaged in criminal activities on behalf of government politicians.

A policeman resorting to arrest, detention and torture for the purpose of extortion of money is a common phenomenon throughout the country. There are many cases that illustrate the routine practice of abuse of arrest and detention and the resort to torture for the extraction of bribery.

The well publicized case of Sugath Nishantha Fernando of Negambo illustrates how adventures relating to bribery taking can lead to so many crimes by policemen. Nishantha Fernando initially complained about a police inspector who had sold him a lorry of which he claimed to be the owner, while in fact it was a stolen vehicle. His complaints relating to this matter led to the fabrication of charges against Nishantha Fernando. He had to pay bribes and to promise payment of even a further sum in order to get the fabricated charges dropped. Finally, when the bribery demands were too much, he complained to the bribery commission. The Bribery Commission, after inquiries, filed charges against a police inspector.

Thereafter, there were pressures on Nishantha Fernando and his wife not to go to the High Court to give evidence in the bribery case. When they failed to heed to the pressures, about 20 police officers, which included the OIC of the Negambo police station, surrounded the house and assaulted him, his wife and his two young children, and took them to the police station. Later, the family filed a fundamental rights application regarding torture of all the four family members, and the Supreme Court granted leave to proceed in this application. The family named twelve police officers, including an SSP, as respondents in the fundamental rights application.

Then, some unknown persons visited the family and told Nishantha Fernando and his wife to withdraw the fundamental rights application in 24 hours or the whole family would be assassinated. Nishantha Fernando complained about this matter to the Inspector General of Police and all the Sri Lankan authorities, the Ministry of Disaster Management and Human Rights.

On the 21st of September 2008, Nishantha Fernando was shot down in front of his young son by two gunmen. No one has yet been arrested for this murder and there seems to be no inquiry at all about this murder. Thereafter, the mother and the two children received death threats and they had to move from house to house for several months for security. Even now, the family is in hiding and the two children have not been able to go to a school since the assassination of their father, due to the fear of being kidnapped and assassinated.

Hundreds of cases of cruelty and harassment, based purely on the adventures of policemen abusing their authority to make a profit, can be narrated on the basis already documented cases. The fundamental rights cases before the Supreme Court itself tell a tale of enormous cruelty and abuse of power that the police authorities or the government have not been making any attempt to stop.

Amongst the issues that adversely affect the rule of law in the country, police abuse of power remains the most vital and the most widespread issue. Today, the police institution in Sri Lanka are a counterproductive agency. It destabilizes the country and creates insecurity among the people. Perhaps the type of political system that has emerged in the country may require instability and chaos. For that, the police in Sri Lanka contribute enormously.

It is strange that those who talk about bringing stability to the north and east are usually unwilling to talk about the situation of lawlessness that has prevailed in the entire country. Is it possible to develop a policing system that will bring about stability or some form of normalcy to

the north and east, when the existing police system creates instability and insecurity for areas in the country which have not been directly affect by the conflict?

In all discussions relating to development as well as peace in Sri Lanka, radical reform of the police should receive a significant place. However, if the political system is to rely on instability and insecurity with the purpose to abuse of political authority, then it is very unlikely that this most important question of policing will be brought to the surface in the public discourse in Sri Lanka.

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About AHRC: The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984. The above statement has only been forwarded by the AHRC.

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