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SRI LANKA: When the Law becomes comic - Part 9

Responsibilities of members of parliament regarding drunkenness and abuse of power by police

By Basil Fernando

(August 16, Colombo, Sri Lanka Guardian) Jeevan Kumaranathunga, the member of parliament for the Angulana area, spoke to the BBC about the police murders of Dinesh Tharanga Fernando and Danushka Udayakantha. He said that he had received many reports about the drunkenness of the police at the Angulana police post and that he had made representations to the relevant authorities about this situation. He said that it was because no action has been taken that this unfortunate tragedy has happened.

The statement of this member of parliament raises many issues about the responsibilities of the local parliamentarians and other local politicians regarding the maintenance of discipline at the police stations in their areas. From towns and villagers throughout the country, reports are heard all the time of the most exceptional forms of police indiscipline. Drunken behavior of policemen in the evening is not an exceptional event that has happened only at the Angulana police post. Reports of hundreds of cases reveal that this is happening everywhere. Besides this, in every police station people are tortured, and there is no police station that could be found now where arrested persons have not been extrajudicially executed.

It is the duty of the member of parliament of the area to receive complaints of misbehavior and ill-treatment of people by any state officers, including policemen. It is also their duty to intervene on behalf of people who are harassed by the police the moment that they hear of this kind of behavior. However, in the case of the Angulana murders, there is no indication that the families of the boys and others even rushed to the house of their member of parliament to get his intervention to save the lives of their children. In so many other cases also, people virtually do not go to their members of parliament seeking their protection in events such as these. This indicates an enormous alienation of the people from their representatives who are supposed to protect them.

The overwhelming impression in the country, judging from many reports received by human rights organizations, is that members of parliament work hand in glove with the local police. Since the people know of this close relationship between the local politicians and the police, there is a general feeling that it is futile to go and complain to them about police abuse of power. It is also well-known that local politicians intervene to save suspects when they are political party supporters. The illicit liquor dealers, drug dealers and others who engage in all kinds of seedy businesses do get the patronage of the local politicians. However, it is the ordinary citizens who have come into contact with the police without them breaching any law who get into serious trouble and find no support from the local members of the parliament and other politicians.

If the member of parliament for Angulana had received information on the drunkenness of the police in the evenings at Angulana police station, it was his duty not just to make some representations to authorities - knowing well that nothing would come of it - but rather to take all the measures that he is empowered to take as the representative of the people, in order to protect the people's rights. If his initial protests to the authorities regarding drunkenness were not heeded, he could have made representations to the higher police authorities, such as the IGP and the National Police Commission. He could have done so in writing. If that also did not work, he could have taken up the matter, through his political party, with the authorities. He belongs to the ruling party. Also, he could have sought the intervention of the Ministry of Defense and the prime minister regarding this matter.

Of course, even if these have failed, he does have the resort to make a statement in the parliament itself. He could have called for an inquiry. If worst came to worst, he could have also sought even the intervention of the president. Besides all this, as a member of the parliament, he has the access to the media and any statement by him on the drunkenness of policemen at the police station would have created sufficient pressure to get some action.

Sri Lanka's members of parliament are no longer engaged in the issue of protection of their constituents. The corrupt and influential persons do have the patronage of many members of parliament, often to hide crimes. But the duty of the members of parliament is to protect citizens.

Thus, looking into the causes of the murders of the two young persons from Angulana, the responsibility of the member of parliament of the area needs also to be discussed as a matter of public interest. Similarly, in cases of gross abuse of human rights by such acts as torture, extrajudicial killings and extortion at local police stations, the responsibility of the members of parliament and local politicians needs also to be subjected to public debate. If this does not happen, and if there is no positive improvement of the way members of parliament exercise their responsibilities to protect citizens, then the very meaning of representation is lost.

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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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