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SRI LANKA: When law becomes comic - Part Three

Police spokesman acts like a comedian

“There is no reason at all to think that the IGP will take a more serious approach to the conduct of criminal investigations. Perhaps he may not even be in a position to do so. The central institution that creates attitudes relating to crime control now is the Ministry of Defense.”

By Basil Fernando

(August 08, Colombo, Sri Lanka Guardian) It is common in all cases of a sensitive nature for the police in Sri Lanka to claim that inquiries are still being conducted and that no arrests have been made. Such claims can be made even after months and years. In fact, no such inquiry is being carried out, or otherwise it is a misinquiry that is being done. The shamelessness with which such claims are made is evident in the statements of official spokesman for the police, Ranjith Gunasekara. His statements regarding the attack on Nipuna Ramanayake, who complained of being abducted and assaulted, illustrate the pathetic nature of explanations offered by the official spokesman of the Sri Lankan police.

The Nipuna's complaint is a very simple one. It is about abduction and assault. As the assault was done by a group of police officers who came in a police jeep, if the assault took place as claimed by Nipuna, then it was done under their direction and therefore under the Prevention of Torture Act No. 22 of 1994, it would constitute the offence of torture. Thus, in terms of the Penal Code, the offences to be investigated are about kidnapping and torture, or at least physical assault.

A criminal investigation, therefore, needs to be related to the basic elements (in Sri Lanka often called ingredients) of these offences. And this is not a complicated inquiry.

There is already the medical report on Nipuna done by competent Judicial Medical Officers indicating that there were injuries at the time Nipuna was examined by them. Nipuna was taken to the doctors immediately after the release from police custody. Nipuna's own statement and other evidence clearly show that at the time of abduction he was in a normal physical condition. Therefore, the simple inference is that the injuries occurred in the time between abduction to the release from police custody. As for the offence of torture, the statements of Nipuna and others and the medical reports are adequate evidence to charge an accused.

The group of policemen who kidnapped Nipuna came in a jeep that was assigned to be used under the direction of the Colombo Crime Division (CCD), which makes the investigation much easier. All vehicles that are given to officers for their official work are obligated by police regulations to maintain a chart of all its travels. By checking the movement of this vehicle from

the time of the kidnapping up to the time when Nipuna was taken to the CCD at Dematagada, it is possible to trace where this vehicle was during this time. If documents have not been maintained or have been tampered with, that is a matter any reasonable investigator can easily detect and deal with.

As for the police officers who came in the vehicle, these must be persons who are given to the Director of the CCD for his work. Therefore, notes relating to their assignments during the day should be in the relevant books maintained by the police. It is to be presumed that the director of the CCD will ensure that all personnel assigned for their tasks are being entered into the necessary books maintained under the police regulations. Beside this, the pocketbooks maintained by these police officers would also indicate the different tasks assigned to them and the times at which they carried them out. Once again, if the books are not properly maintained, even an average investigator would know what inferences to draw.

Besides the police officers, the other alleged suspects are Ravindra Gunawardane, the son of the director of the CCD, and his wife. Besides them, at a latter stage of trying to mislead the inquiry, the director himself may be suspected of committing offences relating to subversion of justice. All these persons are easily identifiable persons. Recording of statements and getting necessary specimens for other inquiries cannot be difficult. Fingerprints can be taken inside the police jeep and house where the assault took place. The poles that were allegedly used for the assault are also very important material evidence.

If there is a genuine inquiry and a competent officer or a team of officers assigned to the task, this inquiry could be completed in a very short time. While proving of charges is something that takes place at a latter time, what is needed to make the necessary arrests is adequate evidence to indicate a link to the commission of these crimes.

However, the real problem is the lack of a genuine initiative. The official police spokesman's task, judging by hundreds of other inquiries that have no resulted in arrest and prosecution, is to create some excuse for the delay.

The official spokesman for the police carries responsibilities in all countries of the world. The spokesman can guide the population about the crime control and, by the seriousness with which he does his job, help the police to get public corporation. Under modern circumstances, much of police crime control depends on proper information sharing with the population in a way that the people will cooperate in resolving crime. Reducing the seriousness of the function of the official spokesman for the police and allowing him to trivialize a crime only has a negative impact on upholding law and order and maintaining rule of law.

A code of ethics governs the official statement-making in any establishment. This is more so when it comes to the country's prime law enforcement agency. But of course, it is not only the official spokesman that trivializes crime and discourages the population from serious pursuit of criminals, but the whole police establishment acts in this way now. Perhaps the Sri Lankan policing system has created the type of spokesman it deserves.

The fact that the IGP tolerates the types of statements made by the official spokesman is indicated by the fact that no action has been taken against this spokesman and that he has not been restrained from making the type of statements which he usually makes. Any citizen listening to the spokesman will only have a cynical attitude towards the whole establishment, including its leadership.

There is no reason at all to think that the IGP will take a more serious approach to the conduct of criminal investigations. Perhaps he may not even be in a position to do so. The central institution that creates attitudes relating to crime control now is the Ministry of Defense. The type of ideological leadership that has emerged in recent times from the Ministry of Defense is not conducive to prevention of crime through genuine and competent criminal investigations.

At the heart of the problem of crime in Sri Lanka now is the Ministry of Defense, and the type of ideological change that it has induced into the entire establishment of defense, including the law enforcement through the National Police Service.

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