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An article from the Sri Lanka Guardian forwarded by the Asian Human Rights Commission

SRI LANKA: When law becomes comic - Part Four

FAILURES OF THE IGP AND THE ATTORNEY GENERAL REGARDING EXECUTIONS WITHOUT TRIAL

'What is happening today is that both the police department and the Attorney General's department are subordinating their authority to the Ministry of Defense. The Ministry of Defense is acting as the agency that creates the attitudes relating to which crimes should be investigated and prosecuted and which crimes should not be investigated and prosecuted.'

By Basil Fernando

(August 10, Colombo, Sri Lanka Guardian) The kidnapping and assault of Nipuna Ramanayake, allegedly by several police officers and the family members of CCD director Vaas Gunawardene, took a new turn when about fifty persons brought from outside the area demonstrated with slogans that the young student Ramanayake was in fact a leader of a criminal gang. Obviously the demonstration was orchestrated to diffuse the public support for investigations into the kidnapping and torture charges. The demonstrators also are reported to have destroyed the posters put up by fellow students in support of Nipuna.

That incident itself is a demonstration of the manner in which demands for investigation by victims of crime are trivialized in Sri Lanka. The attempt now is to let people forget the incident of the kidnapping and assault and that therefore any public pressure on the authorities to conduct the inquiries will be poo-poo'd. Then business will return to normal.

There is a severe contradiction between trying to eliminate criminals, as claimed to be the goal of the government, and trivialization of crime that has taken place in Sri Lanka over a long period of time. In any intelligent policy of crime control, the building of public opinion against crime will be a central component. Enormous resources are spent in societies to teach the population from the early stages of their lives that crimes have serious consequences. "Crime doesn't pay" is an oft repeated slogan. Where the sense of gravity of crimes is lost, it is hardly possible to control crime.

In a rule of law society, there are two major agencies that play a crucial role in keeping the social awareness of the gravity of crime. These are the police, who are supposed to investigate ALL crimes, and the prosecutors, who are supposed to prosecute ALL crimes. In Sri Lanka, these roles are played by the police department, under the leadership of the Inspector General of Police, and the Attorney General's Department, under the leadership of the Attorney General. It is the IGP and the AG who have to play the leading role in keeping an authentic emphasis on the gravity of crime and the State's capacity to prosecute and punish all crimes.

If there is trivialization of crime, the basic responsibility lies with the IGP and the Attorney General. The public criticism regarding increase of crime should be leveled at the IGP and the Attorney General. Their failures should be exposed and public pressure should be built up in order to ensure that the person who fill this post are committed to the control of crime by proper use of their functions as leaders of the investigating and prosecuting branches.

What is happening today is that both the police department and the Attorney General's department are subordinating their authority to the Ministry of Defense. The Ministry of Defense is acting as the agency that creates the attitudes relating to which crimes should be investigated and prosecuted and which crimes should not be investigated and prosecuted. The IGP and the Attorney General have surrendered their independent roles in favor of a new administration in which the Defense Ministry has become the leader. Neither Sri Lanka's constitution nor the rule of law system permits a Defense Ministry to subjugate the Police Department and the Attorney General's Department.

When executioners have taken the place of investigators and prosecutors, something fundamentally wrong has taken place within the criminal justice system of the country. The public criticism should center in exposing the IGP and the AG for letting this situation to continue.

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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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