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SRI LANKA: When the law becomes comic - Part 5

IGP AND HIS DEPUTIES: WHAT DO THEY DO?

"After about forty years of civil conflicts, beginning first from the south with the 1971 JVP insurrection, then spreading into the north and east, created a situation within which the public attention drifted from law and order to maintenance of national security."

By Basil Fernando

(August 11, Colombo, Sri Lanka Guardian) Inspector General of Police and his deputies have failed even to develop a credible system for the transport of suspects during investigations.

There seems to be nobody to ensure law and order in the country. Naturally, anyone would ask the question, "What are the guardians doing?" As the Sri Lankan police service has a leadership by way of the IGP and his deputies, known as Deputy Inspector Generals of Police, it would be interesting to find out what they are doing instead of what their jobs.

A policing system is a monolithic institution, led from top to bottom. Those at the top hold command responsibility for the behavior of those in different layers within the institution. It is the responsibility of those who are at the top to ensure that all those who are under them carry out their responsibilities.

Departmental orders of the police lay down the responsibilities of leadership and of supervision. They prescribe details of procedures and intricate relationships for the maintenance of documents. The Officer in Charge of the police station is responsible for what happened within the police station; the immediate Assistant Superintendent of Police of the area inspects books and makes visits and makes his own notes, by which he keeps track of the work of all police stations under him; Superintendent of Police supervises and guides the work of the ASPs; Senior Superintendent of Police exercises further monitoring and supervision; and Deputy Inspector Generals, under the leadership of the Inspector General of the Police, look after the entirety of the institution.

That was how it was and that is how it is supposed to be. But now any police officer may think this is just a fairytale. Today, the police hierarchy, beginning from the ASP to the IGP, cannot even arrange the proper transport of an alleged suspect of a crime when he is escorted to find some material evidence which may have surfaced while the suspect made a statement. As everyone knows, the oft-repeated story is that during the journey the handcuffed suspects takes guns or even bombs and try to attack the police, who, in turn, shoots them dead.

Are the officers of the police hierarchy incapable of devising a system for the safe transport of criminals from one place to another for purposes of investigation? Surely it is not such a difficult

task to design foolproof guidelines and instructions about the transport of suspects during criminal investigations. All over the world such activities relating to suspects are done quite safely. Thus, it does not require extraordinary intelligence to design and implement such a system.

However, Sri Lanka's police hierarchy has proved incapable of exercising that kind of leadership, even on a simple matter, such as transport of suspects for investigation purposes. If they do not even do this, how do the higher officers exercise their command responsibility.

The simple fact that is emerging in the widespread lawlessness within the law enforcement agency itself is that instead of command responsibility, complete carelessness has spread from top to bottom. Take the case of Douglas Nimal and his wife. Douglas Nimal was a police inspector who took his job seriously and tried to arrest some persons involved in drug dealing. There were obstacles from some persons at the top against him, and finally he and his wife were assassinated. No one was arrested or prosecuted for killing a law enforcement officer for discharging his duties.

After about forty years of civil conflicts, beginning first from the south with the 1971 JVP insurrection, then spreading into the north and east, created a situation within which the public attention drifted from law and order to maintenance of national security. The loss of public scrutiny of the policing system provided a safety zone within which, instead of law enforcement, other things took the priority. The result is the present situation in which the police hierarchy failed to exercise command responsibility.

In the Supreme Court and in High Courts there are constant revelations of police tampering with documents. In fact, there're hardly any cases relating to fundamental rights or torture complaints at High Court trials where police have not tampered with books and entered false entries. In all cases where the arrested persons are later executed, invariably all the documents in the books are also manipulated. Had the ASPs and those above them exercised their supervisory powers (as required by Police Departmental Orders), such colossal distortion would not be possible.

The police hierarchy is paid for through public funds. However, they are not performing their public duties. There has not been sufficient scrutiny of their work by the parliament or even by the media. If the lawlessness that the country has descended to is to be addressed, the public must ask questions about what the IGP and his deputies are in fact doing. If by not following legal and departmental procedures they are breaking the law, then who is there to safeguard law and order in the country? Naturally, it will be left to those who commit murders of arrested persons and create various pretexts to justify such acts.

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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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