

About this lesson...

The Achievement of human rights in society depends in some respects on the nature of the police existing in the country. Thus problems relating to the police must concern every one who is concerned with human rights.

This lesson suggests a way to study these problems. Using the example of one country, Sri Lanka, it attempts to give an insight into the problems affecting the police system. The same approach can be used to study the situation in other countries. What is important is to get a correct view of the actual problems. Mere teaching of human rights to police without any regard to the real situation is not likely produce positive results.



What I am supposed to do when I arrest a person?

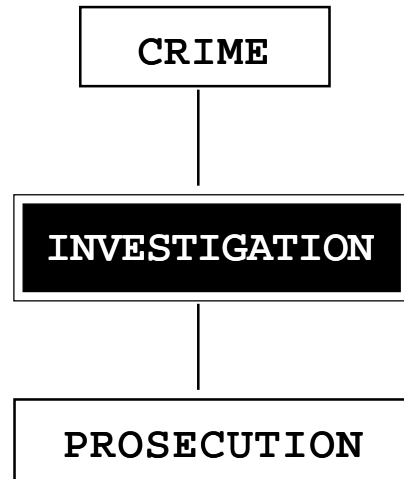
1. The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.
2. The police officer carrying out the arrest shall prepare a memo at the time of arrest, attested by at least one witness, who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter-signed by the arrestee and shall contain the time and date of arrest.
3. A person who has been arrested or detained and is being held in custody in a police station, interrogation centre or other lock-up shall be entitled to have one friend or relative— or other person known to him having interest in his welfare—

informed as soon as practicable that he has been arrested and is being detained at that particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

4. When the friend or relative of the arrestee lives outside the district or town, the police must telegraphically notify he/her of the time and place of arrest and venue of custody, through the Legal Aid Organisation in the district and the police station of the area concerned, within a period of 8 to 12 hours after the arrest.
5. The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is arrested or detained.
6. An entry must be made in the diary at the place of detention regarding the arrest of the person, which shall also disclose the name of the friend or relative of the person who has been informed of the arrest and the names and particulars of the police officers who have detained the arrestee.
7. The arrestee should, where he so requests, be examined at the time of his arrest for major and minor injuries, and if any are present on his/her body, they must be recorded at that time. The “inspection memo” must be signed both by the arrestee and the police officer effecting the arrest, and its copy must be provided to the arrestee.
8. The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his/her detention in custody, or by a doctor on the panel of approved doctors appointed by the director of health services of the concerned state or union territory. The director of health services should prepare such a panel for all provinces and districts as well.
9. Copies of all the documents referred to above, including the memo of arrest, should be sent to the magistrate for his record.
10. The arrestee may be permitted to meet his lawyer during interrogation.
11. A police central room should be provided at all districts and state headquarters, to where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest within 12 hours of effecting the arrest, and at the police central room the information should be displayed on a conspicuous notice board.

(From the Indian Supreme Court Judgement Basu Vs. The Government of West Bengal)

I am supposed to investigate all crimes. If I do not investigate, crimes will not be prosecuted



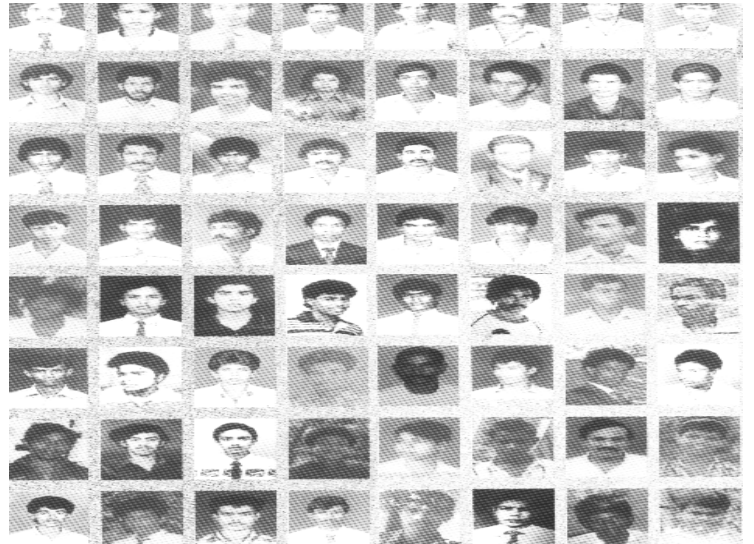
I am supposed to be a friend to all persons without discrimination



What I DID in fact...



***I made over
30,000 people
disappear***



For Details See—Reports of the Sri Lankan Commissions of Inquiry into Involuntary Removal or Disappearances of Persons at www.disappearances.org



***I
Arrested
Tortured
Killed
Disposed of the bodies...***

- Most by burning***
- Some deposited in rivers or on roadsides***
- Others beheaded and exhibited in front of houses***

For Details See—Reports of the Sri Lankan Commissions of Inquiry into Involuntary Removal or Disappearances of Persons at www.disappearances.org



***I maintained illegal
detention and torture
chambers***

I created mass graves

I destroyed evidence

***I did not take down
statements***

***I sent complaints here
and there***

I intimidated witnesses

***I did not conduct
investigations***

***What I did
during
elections***

***Whatever law
was grossly
violated, I
looked the
other way-At
the 1982
Referendum
and many times
ever since***





I burned the Jaffna library!

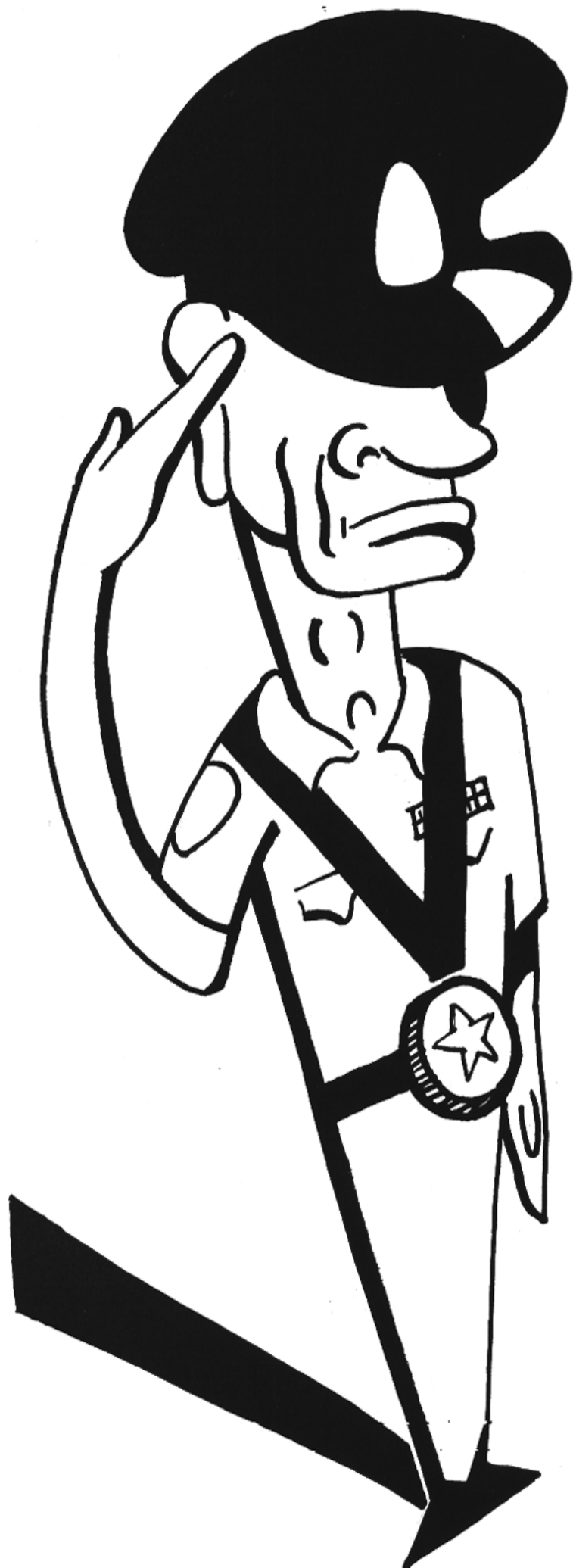
When loved ones came looking for those arrested...

I told them lies

Why I did all these things?



- ***Politicians wanted me to do them***
- ***My police superiors, some directly and others indirectly, encouraged me to do these things***
- ***Together they made laws to promise me impunity***
- ***Regulations I was expected to observe were suspended by using emergency regulations***



***For all the
crimes I
have
committed..***

***I was made
to appear
as a hero
defending
the nation
against
terrorists***

***This
defence is
quite useful
and allows
me to do
whatever I
wish***

***What happened
as a result of my
actions?***

***I became used to
bad habits... And I
cannot give these
things up now***

***People lost faith in
me and my
institution...***

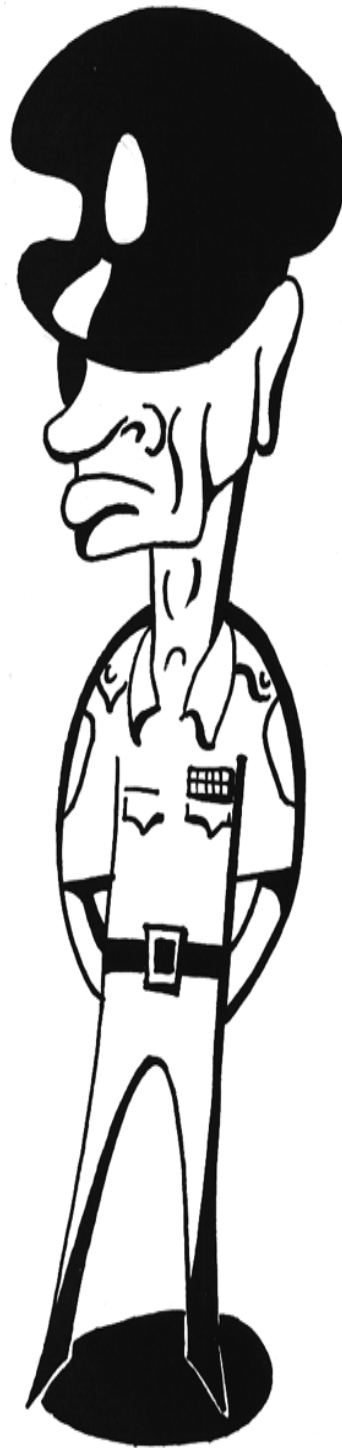
***And they fear to
come to me***

***They withdrew
their cooperation
from me***

***Crime has
increased and
criminals seek my
cooperation***

***To hide my crimes I must hide the crimes
of others***

The nation has become a lawless one!



Suggestions to reform me...



- ***There is a popular demand for justice against me. So far I have been protected from that.***
- ***There is a popular demand for an independent police commission; it is still just a vague demand made more for political reasons than with any determination. All that is needed for reform is contained in the reports of various commissions appointed for that purpose in the past. It seems that politicians still want me to continue to be bad.***
- ***There is also the demand that all criminal investigations done by me be brought under the scrutiny of prosecutors (in the Attorney Generals Department) so that I will not be allowed to neglect my duties. I have become used to the habit of saying there is no evidence, which prosecutors cleverly use. Whether they will really want me to do my duties well, I do not know. But, if they really want me to, there is no way I can escape. In this there is some hope for my reform.***