

Book Review

Basil Fernando, Narrative of Justice, Told Through Stories of Torture Victims (Hong Kong: Asian Human Rights Commission, 2013)

Something is rotten in the “democratic socialist” state of Sri Lanka. Since 1971, tens of thousands of people have disappeared. Daily abuse of civilians by police and military personnel is now routine – and goes unpunished. Sexual torture through sticks and hot pepper powder is widely practiced. Families who complain of such torture are themselves subject to interrogation. Old mothers who speak out are pushed in the mud.

Sri Lanka’s suffering apparently has no bounds. According to a UN panel, the government’s decisive 2008–9 assault on the Liberation Tigers of Tamil Eelam (LTTE) left as many as many as 40,000 civilians dead, most victims of indiscriminate shelling by Sri Lankan forces. In addition, not directly related to the country’s civil war between the majority Buddhist Sinhalese and separatist Hindu Tamils, an additional 30,000 or more people – trade unionists, student activists, neighborhood organizers, and uninvolved citizens – have disappeared, many burned beyond recognition through tire “necklaces” after which their bodies were unceremoniously dumped on roadsides or thrown into ditches.

Basil Fernando and the Asian Human Rights Commission (AHRC), a respected Hong Kong-based association of lawyers, journalists and activists from over 15 countries, has issued a new book which recounts the daily abuse suffered by ordinary citizens at the hands of the police. The sheer number of cases meticulously recorded by the AHRC speaks volumes to the fact that police abuse is systematic. None of the 401 victims – a sampling of the 1500 cases documented by AHRC between 1998 and 2011 – whose sad story is recovered here was even remotely connected to terrorism or political conflict. Rather, these are human beings modestly eking out a living who randomly become a way for the police to “solve” a criminal investigation by extracting a confession using the most expedient and speedy means – torture.

One of the reasons why innocent people are randomly rounded up and beaten is so police can close open cases. When torture does not produce a confession, “proof” is fabricated for compliant judges.

Politicians could help, but do so only when their own interests (financial and political) are furthered. Opposition political meetings are attacked, and one of the country's best-known intellectuals, the late Dr Ediriweera Sarachchandra, was physically assaulted. The trade union movement has yet to recover from the nationwide general strike of 1980 when all workers who participated were fired. Continual assaults on workers go unpunished. One young worker in the Free Trade Zone (a favorite place for police violence) was shot by police, apparently at random. When complaints were brought into the political arena, the outcome – one of the few cases where some remedial action was taken – was a transfer of police to another station. The press has been muzzled and many investigative journalists, fearful for their lives, have left the country.

When complaints against the police are filed, witnesses are threatened with reprisals, as are victims' families. Even when the legal process goes forward, the AHRC believes that “credible investigations into torture do not exist” because ad hoc constitutional revisions aimed at giving the president unlimited authority in the fight against the LTTE eliminated many oversight provisions. The president is “absolutely immune from any kind of prosecution.”

The debate in the US on the use of waterboarding, sleep denial, sensory deprivation, and other odious forms of questioning revolves around people suspected of being involved in al Qaeda or related organizations that seek to launch attacks on US interests. (I am totally opposed to torture even in “terrorist” cases, as are some 41 percent of US respondents who, in a recent poll, said torture is rarely or never justified – a percentage of people outnumbered by 47 percent who said it is always or sometimes justified.) Yet the cases under scrutiny in this book have nothing to do with the Tamil Tigers, al Qaeda, or any political activity. These are daily occurrences that revolve for the most part around petty crimes, for which the police simply grab the nearest defenseless citizen on whom they can place the blame.

In another time, Sri Lanka (formerly Ceylon) was understood as an island paradise. Indeed, at the time of the Buddha, people there widely adopted his teachings, and the island became a transmission belt for the spread of Buddhism to lands far to the east – including Burma (now Myanmar) and Siam (Thailand). Ancient Pali chronicles from Ceylon record the extent of Buddhism in South Asia, a region devastated by Mongol invasions of the thirteenth century. Sri Lanka served as a sanctuary of Buddhism in this harsh era, and when the wave of Mongol repression subsided, the island provided fresh inspiration and leadership for the rekindling of Buddhism on the mainland. Buddhism may have been born in Nepal and India, but it did not survive into the modern epoch in India. Only the conversion of Ambedhkar in 1956 along with some 500,000 of his followers led to the revitalization of Indian Buddhism – a conscious attempt to

undermine the pernicious effects of the caste system that continues to plague tens of millions of Dalits (untouchables) and creates a huge obstacle to India's progress into the modern world. My digression into a discussion of Buddhism anticipates the reaction of many Westerners to Sri Lanka's recent bloodletting and torturous history. Many of us stop in disbelief when we hear reports of Buddhist police torturing innocent women, children and men, of Buddhist armies slaughtering tens of thousands of innocent civilians.

Yet Christianity also preaches non-violence while condoning war and praying for victory. We should not react with indignation in the face of Buddhist hypocrisy while we accept as normal Christian atrocities on a much larger scale and over a wider swath of lands and peoples.

To return to the subject of this book, the 401 accounts provided here reveal a shocking level of police callousness and disregard for even elementary precepts of justice. A typical case occurs in the following manner. An innocent bystander who happens to be in the vicinity when some small crime is committed is summoned to the police station for questioning. Without any due process or expressed rationale, torture is applied to extract a confession. The victim is first slapped and rudely questioned. When that fails to provide the required confession, several police administer beatings while the victim hangs from an overhead beam or is tied to a chair. When such means of "interrogation" fail to achieve resolution of the open investigation through a confession, other methods are applied. One recent addition to the panoply of torture has been to insert chili powder into the vagina, mouth or anus of the victim, leaving many innocent people with no recourse but to admit to the crime in question rather than to face continuing torture. In some cases, rape and murder are carried out by the police, who then hurriedly create false tales of what transpired.

In none of the cases discussed in this book were the police perpetrators of torture convicted by a court of law – nor were any of the alleged criminals convicted through a trial by a jury of their peers. A businessman hires police to kill another to whom he owes money. Although the policeman is caught, neither he nor the man who hired him goes to prison. Another policeman kidnaps and rapes a woman who has refused to marry him. Afterwards, when she complains to the authorities, the residents of the house where she was held testify that she came voluntarily and enjoyed herself.

Compounding the callous behavior of the police in small 125 substations is the legitimization of police torture at the highest level of government. After his final victory over the 26-year insurgency of the Tamil Tigers, President Mahinda Rajapaksa has ridden high in the saddle, winning a landslide re-election victory in January 2010 and revamping the country's political system to accommodate his plans 130 to remake the

country into a “democratic socialist” island paradise. Four of his six brothers control up to 70 percent of the national budget. The Rajapaksa clan has recently eviscerated Sri Lanka’s judiciary. Facing resistance to their parliamentary initiative that land could be taken by the national government without the agreement of provincial 135 councils as constitutionally mandated, an impeachment motion against Chief Justice Dr Shirani Bandaranayake was facilitated by current Speaker of the Parliament Chamal Rajapaksa (elder brother of the president) on 1 November 2012, the day after the Supreme Court’s determinations were forwarded to the president. Three other justices 140 of the Supreme Court determined that parliament had no authority to act against the Supreme Court, a finding upheld by an Appeals Court. Lacking constitutional authority, President Rajapaksa insisted Bandaranayake leave her post. When the Chief Justice refused, her family’s lives were threatened. Finally, she did vacate the building, 145 but not without publicly announcing her fear for her family’s lives as her reason. Two Appeals Court judges also received letters threatening their lives. The removal of the Chief Justice indicates that separation of powers as mandated by the constitution has lost significance.

On July 3, 2013, President Rajapaksa signed an executive order that 150 placed the whole country under emergency rule for reasons of national security. Thus the armed forces enforce “the maintenance of public order” in the whole country. Under this order, the army shot into a crowd of villagers in Rathupaswela, Weliveriya. For months, people in a dozen villages had complained to the authorities that their well 155 water was undrinkable due to a nearby factory. Even walking through their ponds caused irritation to people’s feet. On August 1, 2013, demonstrators were peacefully protesting the poisoning of their wells, and the government’s response was bullets: at least two people were killed and 25 wounded. The Weliveriya factory produces 160 industrial gloves for export and is tied to Basil Rajapaksa, younger brother of the president and currently Minister of Economic Development. The employment of the military to suppress dissent clarifies that state power supports the Rajapaksa family’s nepotistic rule.

This latest abuse of power in Weliveriya indicates that Sri Lanka’s 165 downward spiral into autocracy will leave thousands more lives in ruins while a handful around the Rajapaksa clan enrich themselves. The daily torture and abuses leave a scar on society that will not rapidly heal. As internationally respected psychologist Dr Rajat Mitra summarized: “These narratives of trauma will seriously affect 170 the fabric of society even 50 years from now and affect how people become immune to happenings around them; until and unless there is accountability and people decide to act.”

Will the people of Sri Lanka be able to re-create their island paradise? Or will they

remain under the iron heel of class-based oppression? Only they can answer these questions.

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