

Issues Paper 9

Human Rights in the Sri Lankan Law Enforcement Sector – Puttalam District

This document was authored in 2015 by Mr Vidura Munasinghe, Ms Kaushi Ariyaratna, Ms Thilini Chandrasekera, University of Colombo and Professor Danielle Celermajer, University of Sydney for the project Enhancing Human Rights Protections in the Security Sector in the Asia Pacific. This project was run in partnership with the Centre for the Study of Human Rights at the University of Colombo and the Kathmandu School of Law. It may not be produced, in whole or part, without the explicit permission of the author.

sydney.edu.au/arts/research/ehrp

ISSUES PAPER 9: STUDYING THE CONTEXT OF HUMAN RIGHTS VIOLATIONS IN DEPTH: THE PUTTALAM RESERARCH PROJECT

INTRODUCTION

This Issues Paper presents research on policing, violence and human rights that was conducted in Wanathavilluwa in the Puttalam district in North West Sri Lanka at the end of the three-year Enhancing Human Rights Project (EHRP). The impetus for conducting this research came from our experience during the project that to fully understand the causes of torture in the security sector, one an in-depth understanding of the context is needed - one that moves beyond the institution of the police itself and takes in the broader social and political environment. This part of the project piloted this particular model of developmental research as a way of exploring how conducting such research might contribute to developing more targeted and effective human rights interventions in the future.

Chapter One explains the nature, impetus, aims and objectives of the research and then discusses some historical and background issues that inform the contemporary human rights situation in Wanathavilluwa. Chapter Two sets out the methodology of the research and then presents the findings of our field research on the general human rights situation in Wanathavilluwa, including discussions of local political dynamics and the role of civil society. Chapter Three focuses specifically on policing, presenting our research findings on the way in which policing takes place, the Wanathavilluwa Police Station, professional misconduct and the attitudes of police personnel to human rights. In Chapter Four, we step back from the findings to reflect on the nature of violence in Sri Lankan society. Throughout the EHRP, one of our consistent findings has been that while torture is a specific form of institutional violence, it is often continuous with other forms and understandings of violence in the society more broadly. Coming at the very end of this three-year project, we felt that it a more theoretical reflection on how violence is understood and perpetuated in one of the societies where we have been working, and what this implies for the future of torture prevention, would provide food for thought and impetus for action. As such, the Conclusion then links the Puttalam research back to the overall EHRP and considers implications for future torture prevention work.

List of Abbreviations

ASP-Assistant Superintendent of Police
CI-Chief Inspector
CID-Crime Investigation Department
DS- Divisional Secretariat
GCE A/L-General Certificate of Education Advanced Level
GN- Grama Niladhari (village officer)
HRC-Human Rights Commission
IP-Inspector of Police
LTTE-Liberation Tigers of Tamil Eelam
MOH-Medical Health Officer
OIC-Officer in Charge
PC-Police Constable
SI-Sub Inspector
SSP-Senior Superintendent of Police
WPC-Woman Police Constable

CHAPTER ONE: BACKGROUND AND CONTEXT

1. Aims and Objectives of the research

As discussed in the previous Issues Papers, the first two and principal components of the EHRP comprised first a research phase and then an implementation phase where we developed and tested a new approach to torture prevention based on the research findings. During the research phase, we found that one of the principal reasons for the limited effectiveness of existing approaches to torture prevention and human rights protection in police and military institutions is that they do not pay enough attention to the 'situational factors'¹ that underlie institutional violence. We also concluded that conventional methods of teaching human rights and humanitarian law to security personnel often do not adequately grapple with their view that there are irresolvable conflicts between protecting human rights and safeguarding law and order.

The second phase drew on these findings to develop and test an approach to preventing torture that would take into account what we had learned about the importance of situational factors. As the first phase drew our attention to the limitations of traditional human rights training approaches, we focused our efforts on developing the capacity of security personnel to address the practical impediments to human rights protection or the actual factors in their workplaces that create risks for torture occurring. As discussed in *Issues Papers 6, From Structural Analysis to Structural Intervention* and *Issues Paper 7 Case Studies from Nepal and Sri Lanka: Human Rights Protection Facilitator Projects*, each of a selected group of 'Human Rights Protection Facilitators' (HRPFs) as we called them was asked to identify a risk factor or a problem in their own workplace that creates risks of torture occurring and to design a project that would address this problem. In this way the findings of the first phase were put into practice. During this phase we were able to get a practical understanding of the complex and diverse nature of the challenges each HRPF had to face in different contexts when developing this kind of intervention and we were able to test different strategies to overcome those practical challenges.

With the experience of implementing the findings from the first phase and working with police and military institutions and their personnel in the second phase, we then came to the view that it would be useful to conduct a final piece of research designed to build a more in-depth understanding of the full range of factors at work with respect to human rights and the problem of torture in a particular context act. Accordingly, we designed a piece of micro level research (as distinct from the macro level research carried out in the first phase) in the Wanathawilluwa police division in the Puttalam District, Sri Lanka.

This area was chosen for several reasons. First, it was one of the areas in Sri Lanka that had been significantly affected by the civil war and had a history of serious human rights violations and allegations of police torture. Second, from an ethnic, religious and socio-economic point of view, it is an area with a very mixed population, and also with significant poverty and social dislocation – social factors all important in terms of the patterns of police violence and vulnerable communities. Third, it is an area in which the research team had prior experience and knowledge, making it more feasible to develop contacts and networks for carrying out the research. Wanathavilluwa is in many respects a representative area of contemporary Sri Lanka, not in the sense that it represents all parts of what is a highly diverse country, but in the sense that it captures many of the country's important contemporary problems, dynamics and changes.

The purpose of this research was to explore the deeply rooted social factors that shape the conception and practices of violence within a post-war Sri Lankan rural society. Our experience in the first and second phases of the EHRP project indicated a direct relationship between the specific problem of torture in police and military contexts and the concepts and practices of violence evident more broadly in the society. We came to recognise that the way in which a society conceptualises violence plays a key role in shaping community-based factors, cultural factors and ideological factors that underpin institutional violence. At the same time, these are the factors that are often most difficult to change, far more difficult than, for example, introducing a formal law or changing a code of conduct.

¹ 'Situational factors' refers to the characteristics of the situations in which individuals make judgments and take actions.

Given the importance of such cultural factors, we felt that in the interest of developing effective approaches for the longer term, it would be important to deepen our understanding of how they operate, how they develop, where they reside in social practices and what sustains them. As such, this final piece of research was specifically oriented to exploring how violence is understood, practiced and regulated in Sri Lankan society in general and in Wanathawilluwa in particular. Because of this orientation to deep context and wish to understand the way in which people understand their own and others' actions and behaviours, this study was planned as an ethnographic study of Wanathawilluwa and the methodology for the study was designed accordingly.

The primary research question was: 'What are the relevant social, cultural and political factors in the district of Wanathawilluwa that cause, normalise or legitimate the use of violence by police?' To answer this question, we established several secondary questions including:

- What are the patterns of violence committed by police and more generally in the area?
- What are people's attitudes towards violence in general and police violence or torture in particular?
- What type of relationship exists between the police and different sectors of society?
- Which groups or individuals are involved in settling disputes or dealing with human rights violations in the area?
- How is power distributed in the area?
- What are some of the principal social problems and who deals with them?
- How do different groups perceive human rights?

Before moving to discuss the approach to and results of our field research in Chapter Two, in the following two sections we provide background information about Wanathawilluwa and discuss its history and social geography.

2. Wanathavilluwa and its demographics

Wanathavilluwa is a Divisional Secretariat (DS) Division in Puttalam District in the North Western Province of Sri Lanka covering an area of 710.4 km². For administrative purposes Wanathavilluwa is divided into seventeen Grama Niladhari (GN) divisions², but is more easily imagined in terms of its forty-five villages. The total population of Wanathavilluwa is around 18,958.³ To the north, Wanathavilluwa is bounded by Wilpattu (a national park) and Thabowwa (a forest reservation), to the east by the Kalpitiya lagoon, to the south by the Puttalam DS Division and to the west by the Kala Oya (a river).

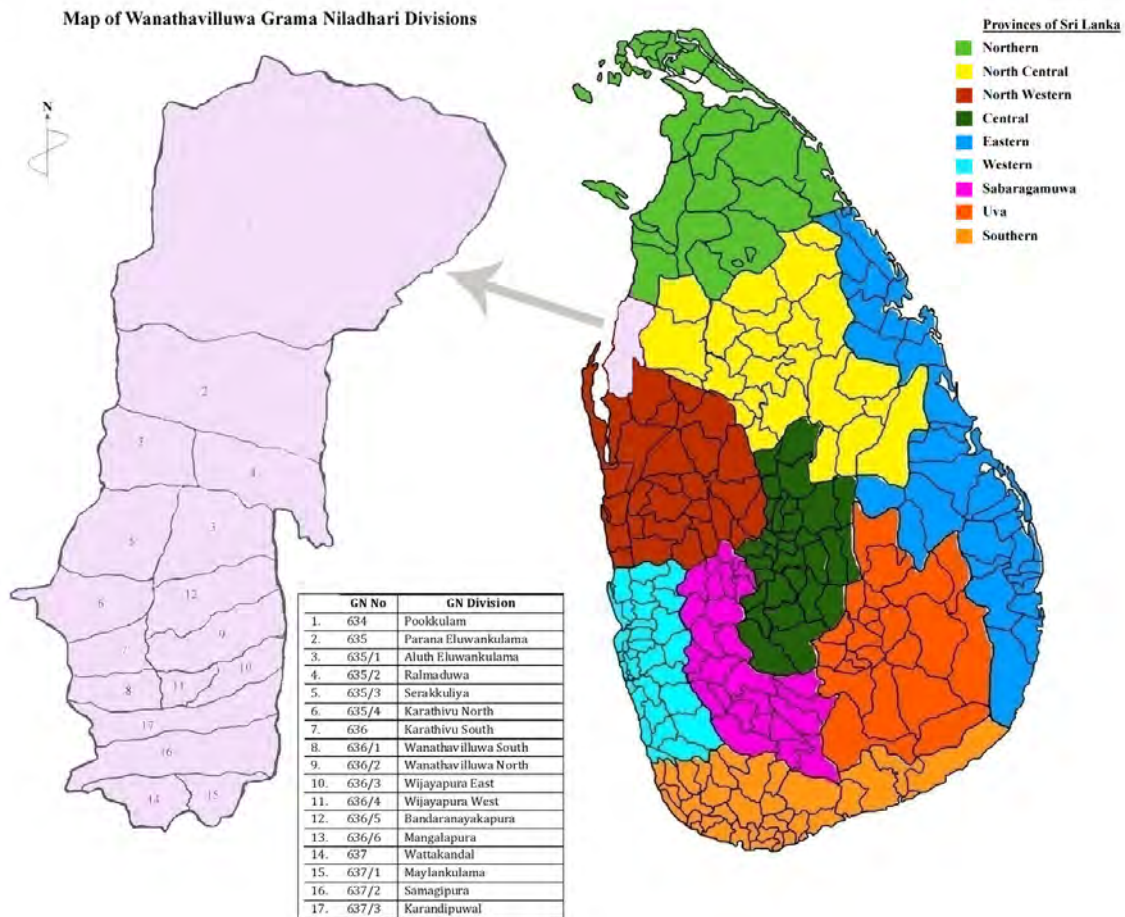


Figure 1. Map of Wanathavilluwa

According to the foundation myth of the Sinhalese (the ethnic majority of the country), an Indian prince (Wijaya) who was the founder of the nation, arrived on the island and married a local princess named Kuweni and lived in Thammannawa, which is within the present Wanathavilluwa DS area.

Today Wanathavilluwa comprises ancient villages (with village names such as Karativu, Eluvankulam and Nagamaduwa dating back thousands of years) as well as new settlements or colonies (such as Bandaranayakapura, Samagipura, Wijayapura). C. P. de Silva who was the Minister of Lands from 1956-59 and 1965-70 created these newer settlements.

² Grama Niladhari (GN) Division is the lowest administrative unit in Sri Lanka. GN Division consists of with several villages.

³ Data provided by the Divisional Secretariat, Wanathavilluwa.

If one goes back before the period of British colonial rule (1815-1948) and the early years of the post-independence era when the new settlements were established, the majority population of the area was Muslim. Administratively the area belonged to Kalpity. During the 1950s the government implemented a new domestic colonisation project, which gave thousands of plots of land to Sinhalese farmers to encourage them to start moving into the area and cultivating the forest.

The present day ethnic composition of Wanathavilluwa is as follows:⁴

- Sinhalese- 61.14%
- Muslim- 31.31%
- Tamil- 7.54%
- Malay- 0.01%

The official Government website describes Wanathavilluwa as “the most vulnerable and backward one among the 16 Divisional Secretary Divisions of the Puttalam District in the Northwestern Province”. It continues to state that, “Almost 80% of the people here suffer from lack of steady income sources and solely depend on cultivation and menial jobs.... most of the people of the area receive the dole through the Poverty Eradication Scheme of the Government called Samurdhi Sahanadhara”.⁵

According to data from the Divisional Secretary however, only 34.7% of the population in Wanathavilluwa are farmers or fishermen while 39.9% are day-wage labourers, mainly on coconut and cashew estates. The only industrial site in Wanathavilluwa is in Aruwakkadu, which has the country’s largest limestone quarry, supplying limestone for the cement factory in Puttalam and employing a considerable number of people as labourers.

During the period of the civil war, this area was considered a border area. The Puttalam-Mannar road through Wanathavilluwa became one of the main supply routes to the war zone in the north. The heavy military presence in the area created a general fear that an LTTE attack was imminent. In fact the LTTE attacked several villages causing many people to flee further south. As a result, land prices went down, leading investors from Colombo to buy large parcels of land. It is also said that immediately after the end of the war politically powerful people in Colombo grabbed much of the unoccupied land. When the people who had fled gradually started moving back to the villages, many were unable to find employment, taking up work as day labourers on the large estates bought and occupied by outsiders as the only available option. The result is that today there is an unprecedented proportion of vulnerable daily wage labourers.

3. The emergence of ethnic tensions in the post-colonial period

The creation of new settlements in the early decades of the post-colonial period and subsequent government policies have both had major implications for the ethnic composition and level of ethnic tensions in the Wanathavilluwa community. At the simplest level, as outlined above, they have transformed the ethnic composition of the area from one in which Muslims were the majority to one dominated by Sinhala, with flow on effects in terms of political representation. At the same time, Sri Lankan post-colonial land development policies have sharpened ethnic conflicts.⁶ Indeed, it is not unreasonable to conjecture that behind the government’s land development policy lay the intention of changing the ethnic composition, a hypothesis that is also supported by its decision to move the local centre of political administration - Pradeshiya Sabha - and with it the bulk of development work, from Karativu, where most Muslims lived, to the Sinhala dominated Bandaranayakapura. On the other hand, although the Wanathavilluwa represents a unified entity for the purposes of civil and police administration, political representation at the national level has split the area into two electorates. Moreover, the electorates have been divided on ethnic lines insofar as the Muslim majority villages have been placed under the Puttalam electorate and the Sinhala majority villages under the Anamaduwa electorate.

⁴ Data provided by the Divisional Secretariat, Wanathavilluwa.

⁵ http://www.wanathavilluwa.ds.gov.lk/index.php?option=com_content&view=article&id=4&Itemid=63&lang=en, accessed on 07/06/2015.

⁶ Gamini Samaranayake, “Ethnic Conflict in Sri Lanka: Reconstituting the Polity through Constitutional Reforms”, in *Ethnicity and Constitutional Reforms in South Asia*, Iftekhar Uzzman (ed), Colombo, Regional Centre for Strategic Studies, 1998, p. 168-169.

The reason that this is a problem is that funds come into the village level through electorate based development committees, while the administration of the work is undertaken by a single entity. This arrangement has impeded development in the area.

In addition, Karativu (the Muslim area), which was once the administrative centre, has now been pushed to the periphery and the newly created Bandaranayakapura (the Sinhala dominated area) has been the beneficiary of the dramatic infrastructure development that has taken place since the end of the war. A new Divisional Secretariat building, a Pradeshiya Sabha building (the local political administration unit), an agricultural office, a bus stand and a hospital have all been constructed and land is allocated to build a new police station. The Bandaranayakapura Maha Vidyalaya (High School) has been given additional facilities and is held to be the best school in the area. A new water supply project is under construction. Funds have also been allocated to construct a drainage system in the emerging new Bandaranayakapura town.

One could argue that the reason that development has moved in this direction is that Bandaranayakapura lies on the newly developed highway that connects Puttalam and Mannar (the main city of the adjoining Mannar District), while Karathivu is situated far away from the highway. But closer examination of the events suggests that these are ethnically motivated actions. Indeed, Sinhala politicians we interviewed during our fieldwork were eager to interpret this as something they have achieved on behalf of the Sinhala majority. When we interviewed community members of Karathivu they expressed their dissatisfaction with the present conditions in Karathivu and indicated that they feel that they have been neglected by the Bandaranayakapura-centered administration.

CHAPTER TWO: FIELD RESEARCH ON HUMAN RIGHTS IN WANATHAVILLUWA

1. Methodology

The research was designed in the form of an ethnographic study. Extensive fieldwork was carried out during the period from October 2014 to March 2015. It included 60 in-depth one-to-one interviews with people from several sectors or groups, spanning a range of social, economic, ethnic and political differences of the area. In order to obtain a wide and comprehensive picture, the groups included were:

- Police officers at different ranks;
- NGO personnel working in the area;
- Government officials;
- Mediation Board members;
- Medical and legal professionals;
- Members of the business community;
- Members of the general community;
- Clergy (of different religions and denominations).

With respect to the police, a stratified sampling method was adopted in order to ensure representation at all levels.⁷ With respect to the local community and government officials, random and snowball sampling methods were used. Initially the interviewees were randomly selected and additional people within the target groups were approached through their contacts. Interviews were based on semi-structured questionnaires. Gender and ethnic representation was carefully considered and adhered to as much as possible. With the exception of four interviews, all interviews and discussions were conducted in Sinhala and translated into English.

Eight focus group discussions were held in different areas with the participation of diverse groups (youth, women, fishermen, farmers, Sunday School teachers, Mediation Board members, Village Development Society⁸ members and community members) in order to obtain further information on specific issues. Focus groups were also used to elicit contributions from people who may have been reluctant to speak individually but were willing to speak up on issues that mattered to them as a group. In addition, focus groups have the advantage of allowing individuals to develop ideas as they explore them with each other and bringing out any differences and points of strong agreement.

A third method of data collection deployed in this research was participant observation. Principally, the team observed Wanathavilluwa police during ten visits to the police station as well as a number of other places and events during the fieldwork. Arranging special observation missions can interfere with the data collection process insofar as the presence of observers creates simulated situations and behaviours. In order to ensure that our observations provided us with as accurate a picture as practicable, we sought to normalise our presence as much as possible and conduct the observations casually. Using an observational method allowed us to gain insight into life in the villages, how people interact with police and the patterns of these relationships.

Some of the places that we observed were Wanathavilluwa and Puttalam police stations, police road blocks, the Mediation Board, the Magistrate Court, the Human Rights Commission (mobile unit), the Divisional Secretariat, and Human Rights Day celebration organised by civil society groups.

That our empirical research also coincided with two major events proved particularly important insofar as it provided us with particular insights into the social and political dynamics of the area. First, in

⁷ A stratified sampling method involves sampling from across the different levels of an organisation or group.

⁸ Village Development Societies are amongst the most active community organisations at the village level in the rural areas. Their suggestions on the development needs of the village are forwarded to the Divisional Secretariat and often taken seriously by the civil administration. Some of the well-functioning Village Development Societies bid for the tenders for village level small-scale development projects and undertake the construction work.

December 2014, several villages in Wanathavilluwa were flooded creating approximately 500 temporarily Internally Displaced Persons (IDPs). Second, in January 2015, a presidential election was held in the country and the government changed. These two major incidents gave us an opportunity to gain great insight into the behaviour of certain groups within the community in relation to law and order under different circumstances. The researchers also had the opportunity to do true participant observation, having dealt with the police while being pulled up for alleged traffic offences twice during the fieldwork.

In the course of conducting our research, we became aware of the limitations of interviews with respect to gathering accurate data about people's experience, especially when trying to learn about complex relationships and power dynamics. To address this problem we developed a mapping activity where groups of people were asked to graphically map their relationship with police and other public officers as a collective exercise. During the exercise we observed and recorded the discussions and disagreements amongst participants. Four such mapping activities were conducted in four villages. These graphical presentations helped the research team to get a broad picture of the relationship between different officials and community members. Moreover, the arguments and discussion that took place during the exercise opened up a window for us to get an understanding of the power relations between the community members.

In addition to these qualitative methods of data collection, a survey form was designed to collect quantitative data from a larger number of community members. Respondents were asked to rank a given set of government officials from 1 to 10 based on their assessments of these officers' honesty, trustworthiness, loyalty and respectability. One hundred and thirty people participated in the survey. SPSS analysis categorised their rank 1 to 3 as honest, trustworthy, loyal and respectable and 4 to 6 as neutral and 7 to 10 as dishonest, do not trust, not loyal and do not respect.⁹

All empirical research was conducted in line with the University of Sydney ethics guidelines for social researchers, taking into account considerations such as confidentiality, non-coercion, and ensuring respect for the religious and ethnic beliefs, cultural sensitivities and safety of participants during interviews. All participants provided consent to be interviewed or to participate and the confidentiality of all participants has been protected.

2. Key human rights issues in Wanathavilluwa

Although the explicit focus of this research was on torture, in the course of the research it became evident that there are a number of other human rights problems in the area that are in many ways linked with the more specific issues of institutionalised violence. These include systematic violence against women (principally in the sphere of the family), issues relating to social and economic rights and problems associated with inter-ethnic/religious relations. Each of these is discussed briefly in this section. Our interviews also revealed that the use of corporal punishment against children in schools is extremely common. This other form of institutional violence and its relationship with the acceptance of police torture is discussed in Chapter Four.

(a) Violence against women

Domestic violence is not generally a topic that is acceptable in formal conversations; nevertheless our research indicated that it is a widespread and deeply rooted phenomenon in the district. Various people we spoke with mentioned family violence, and in particular violence against women, as a common problem.

One woman we interviewed told us her husband regularly beat her. She described one occasion where he left the house and demanded that she apologise to his extended family members for making him leave the house. She described this as a deeply humiliating experience as she had done nothing wrong. Nevertheless, and at the request of her own parents, she made the apology in order to protect the marriage. Another incident reported to us involved a man stabbing his wife when she was cultivating her garden after he had abandoned it, allegedly because he resented her having a more successful harvest.

⁹ SPSS (Statistical Package for the Social Sciences) is a software package used for statistical analysis.

A few women do make complaints concerning violence at the hands of their husband to the police but the overwhelming majority of incidents remain unreported. Where incidents are reported, in most cases police try to settle the issue informally or direct the family to the Mediation Board. The police did advise that where women make repeated complaints, they will take court orders against the alleged offender.

The other issue that consistently came up in our conversations concerning women related to their access to educational and employment opportunities. Many of the people we spoke with discussed an unwillingness to allow girls and women to leave Wanathavilluwa for further education, vocational training or jobs as they believe that the 'outside' is less moral. That said, there is in fact a considerable number of young women from the district who are working in the garment factories in the cities and working as domestic workers in the Middle East. During one focus group discussion, village women collectively agreed that what they want from authorities is a garment factory for Wanathavilluwa, which would allow them to become economically empowered while staying in the village.

(b) Social and economic rights

Education levels in Wanathavilluwa are very low compared to those in other parts of the country. Educational reforms have resulted in a few selected schools being upgraded with facilities such as laboratories and computer units, but at the same time others have been converted from secondary schools to primary schools. This means that many students now have to travel considerable distances to receive a secondary education and as many parents cannot afford the expenses of travel, school uniforms, shoes, school bags and other expenses, many students do not attend school beyond grade five (age 10). When students from distant villages do go to nearby secondary schools they often find themselves marginalised. Even these upgraded secondary schools have not been able to produce good results with only between five and seven students from Wanathavilluwa selected for state universities, amongst the lowest rates in the country.

For the rest, there are no further educational or vocational training opportunities in Wanathavilluwa and even in Puttalam, the largest town in the District situated 36 kilometres from Wanathavilluwa, there is no vocational training centre. The only income generating activities available in the area are farming, fishing or working as daily wage labourers in large coconut or cashew estates. The sole industrial site in the area, Aruwakkadu limestone quarry, once provided the only permanent jobs in the area, but now its work has been outsourced and those permanent jobs are no longer available. One of the impacts of this lack of employment opportunities is that many people resort to illegal activities such as hunting, sand mining and brewing illicit liquor to make ends meet.

For a population of over 18,000 people in Wanathavilluwa there is only one hospital and one dispensary (the hospital in Wanathavilluwa and dispensary in Karathivu). There are only two doctors in the hospital, two midwives and two attendants. Although the hospital has two wards, as there are no nurses, patients are rarely admitted. If cases are serious, patients are transferred to the Puttalam hospital. The available facilities are also very limited, so people seeking treatment have to wait in long queues from early in the morning. There are no medical testing facilities and few of the drugs patients require are available. To get their medical tests done patients have to go to a private hospital in Puttalam and to private pharmacies for medication.

Although there is enough water in the area for agriculture, access to clean drinking water is another problem in the area. Local water contains limestone substances and is therefore not suitable for drinking. Previously most local people did drink this water, but became increasingly cautious about doing so following publicity about the alarming number of kidney patients in the adjoining North Central Province. Although there are several small-scale water projects funded by INGOs to provide clean drinking water, they are not able to meet the demand in the area. The government is currently constructing a large-scale water project but the villagers fear that it will only provide water for those who live along the main road as its principal targets are the heavily populated Puttalam and Kalpity areas. This has left the villagers in Wanathavilluwa with a sense of frustration as they feel that they have been marginalised and their basic social and economic rights have once again been neglected.

(c) Inter-ethnic and religious conflicts

During the civil war, as was the case elsewhere in the country, significant suspicion existed between Sinhalese and Tamils. During the civil war, Sinhalese generally tried to keep a distance from Tamils. Several Tamil people were abducted during the civil war by unidentified armed groups and have remained 'disappeared'. Generally Sinhalese view these abductees as having had connections with LTTE irrespective of whether this has been verified or not.

One young Hindu Tamil woman told us that during the war time buses were stopped regularly at check points and all the people who could be identified as Tamils had to get off to be checked by the soldiers. Since Tamil women could easily be identified by the *pottu* they wear on their forehead and the red colored string they tie around the upper arm, most Tamil women stopped wearing them. One schoolteacher told us she continued to wear the *pottu* and string more prominently as a sign of her ethnic identity and refused to get down from the bus during the searches as a protest against the ethnic discrimination. During the three decades of civil war many Hindu Tamils converted to Catholicism and mixed with Sinhalese, an action they saw as a way of protecting themselves from marginalisation and suspicion. Now there are few Hindu Tamil families in the area and only one of the 45 villages in Wanathavilluwa can be identified as a Hindu Tamil village. Our observations indicated that even today, Sinhalese maintain closer relationships with Muslims than they do with Tamils.

Even so, we observed a growing sense of uneasiness amongst Sinhalese about the Muslim population growth. Although no one openly expressed anti-Muslim views to us, local politicians, retired government officials and some Buddhist monks did draw our attention to what they saw as the issue of Muslim population growth and their view that Muslim leaders were discriminatory towards people of other religious identities. By contrast, ordinary members of the community showed little interest in this issue. As illustrated by the case study described below concerning Muslim fishermen, it seems that local politicians are the ones who seek to give an ethnic or religious inflection to issues as a way of promoting their own interests and creating constituencies for themselves. Nevertheless, this is not always the case. When Buddhist extremists attacked Muslims in Aluthgamain in the south of the country in June 2014, the Wanathavilluwa Divisional Secretary organised a meeting with community level activists and government officers from the area to try to prevent a similar incident occurring in Wanathavilluwa. However when discussing it, the Secretary affirmed our perception that at a community level this is not actually an issue: "we were seemed like fools, who tried to solve a problem which was never been there".¹⁰

3. Local politics and people's dissatisfaction with local politicians

One of the findings of our broad research on torture in Sri Lanka was that the politicisation of security sector organisations represents a significant impediment to ensuring that those organisations act in accordance with human rights laws and principles. More generally, political influence is seen in Sri Lanka as an impediment to the proper and lawful functioning of a range of institutions. Focusing in on Wanathavilluwa, and as noted in the Chapter One, this area has been subject to significant changes in terms of demographics and political organisation. Local politicians here, as elsewhere, have significant power over the distribution of, and access to services and resources. Indeed in our research, the role of local politicians was an issue that frequently came up.

Almost all the community members we interviewed expressed their deep frustration with local politicians. They did not see politicians as neutrally administering the law or acting as brokers for all citizens equally, but on the contrary as using their public office to pursue personal agendas and interests or to ensure the success of one part of the community, frequently along religious or ethnic lines.

The following case provides one example of a local politician using his political power and promoting ethnic/religious divisions for his personal agenda.

¹⁰ Interviewed on 10/11/2014.

CASE STUDY - GANGEWADIYA

There is a temporary seasonal fishing village named 'Gangewadiya' in Wanathavilluwa. Earlier Catholic Sinhala and Muslim fishing families used to fish in this area, which is known for its prawn harvest. Muslim fishermen also owned farmlands in Eluwankulam which is about 15 kms away from Gangewadiya. During the war Eluwankulam was under threat of LTTE attack, in fact there were several small-scale attacks there. Muslim fishermen thus moved back to Eluwankulam to be with their families and protect their farmlands. Moreover, due to the security restrictions imposed by the Navy they were unable to fish in the sea as they used to.

When the war ended only Catholic Sinhala families were left in Gangewadiya. When restrictions imposed by the Navy on fishermen in Gangewadiya were lifted, these remaining fishermen were able to get a considerable prawn harvest. One local politician (a Catholic Sinhala) started a business buying, processing and selling the Gangewadiya prawn harvest to export companies. The Muslims who had left the area wanted to come back and engage in their traditional livelihood in this new environment, but the local politician did not want them back as he thought that when they returned, Muslim businessmen would also enter the market and challenge his business monopoly. He developed a protest along on ethnic lines by representing the return of Muslim fishermen as an effort to create new settlements within a Sinhala village and trying to exploit Sinhalese.

To resolve this problem the Divisional Secretary arranged a meeting between representatives of all the parties and the police. At the end of the meeting, the Divisional Secretary granted permission for the Muslim community to start fishing in Gangewadiya and a date was fixed for them to move back there. On the given date Muslim fishermen arrived under police protection, but were met by a group of people influenced by the local politician who were protesting against their return and initiated a conflict with them. In this politically charged situation police asked the Muslim fishermen to return back to their homes.

The problematic result of this situation is that the events have now been framed as a Muslim invasion, a framing that potentially provides fuel for existing nationalist movements seeking to exploit and heighten ethnic tensions for their own political agendas.

The data from individual interviews was confirmed more broadly through the focus group discussions and mapping exercises. Dissatisfaction about the local politicians was also well substantiated in our survey findings. For example, and as illustrated in Figure 2 below, when we asked community groups to graphically map their relationship with different personnel it was local politicians who were always pushed to the periphery of the diagram.

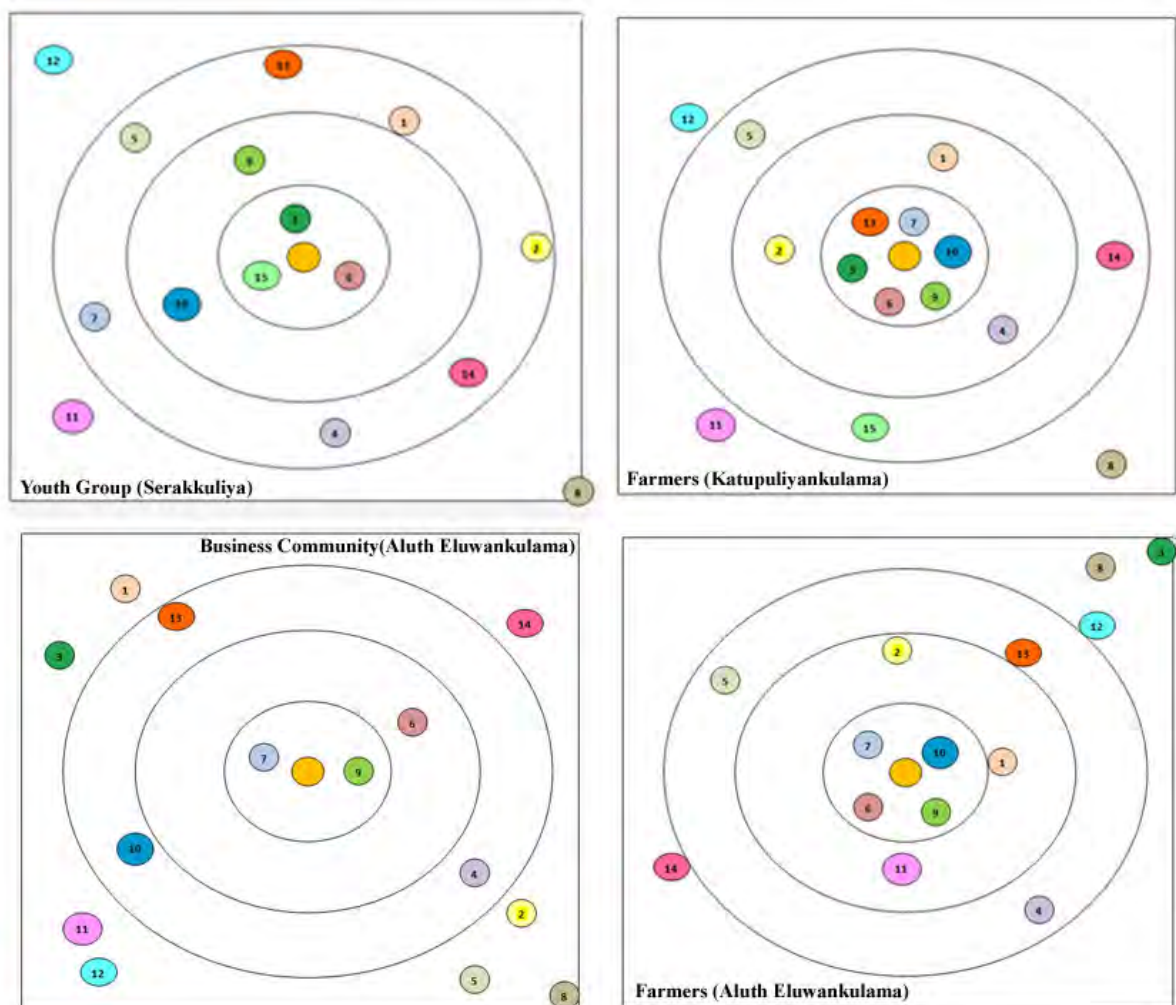


Figure 2. List of public personnel for mapping exercise

Guide	
1.	Divisional Secretary
2.	Officers of the Div. Secretariat
3.	Grama Niladhari
4.	OIC of Wanathavilluwa police
5.	Other police officers of Wanathavilluwa police
6.	Soldiers of the Civil Security Department
7.	Army
8.	Pradeshiya Sabha Politicians
9.	Village school principal and teachers
10.	Hospital Staff
11.	Officers of the Puttlam Courts
12.	Wildlife Officials/ Coast Conservation Department officials
13.	Agricultural Officers
14.	Officers of the Electricity Board
15.	Officers of the Water Board

This strong finding led us to probe further to explore what it was that led to these views. People spoke about corruption, misuse of political power and breaking the promises made during election campaigns as the principal reasons for their views. We specifically looked at their views with respect to politicians' honesty, and their trust, fear and respect for politicians.

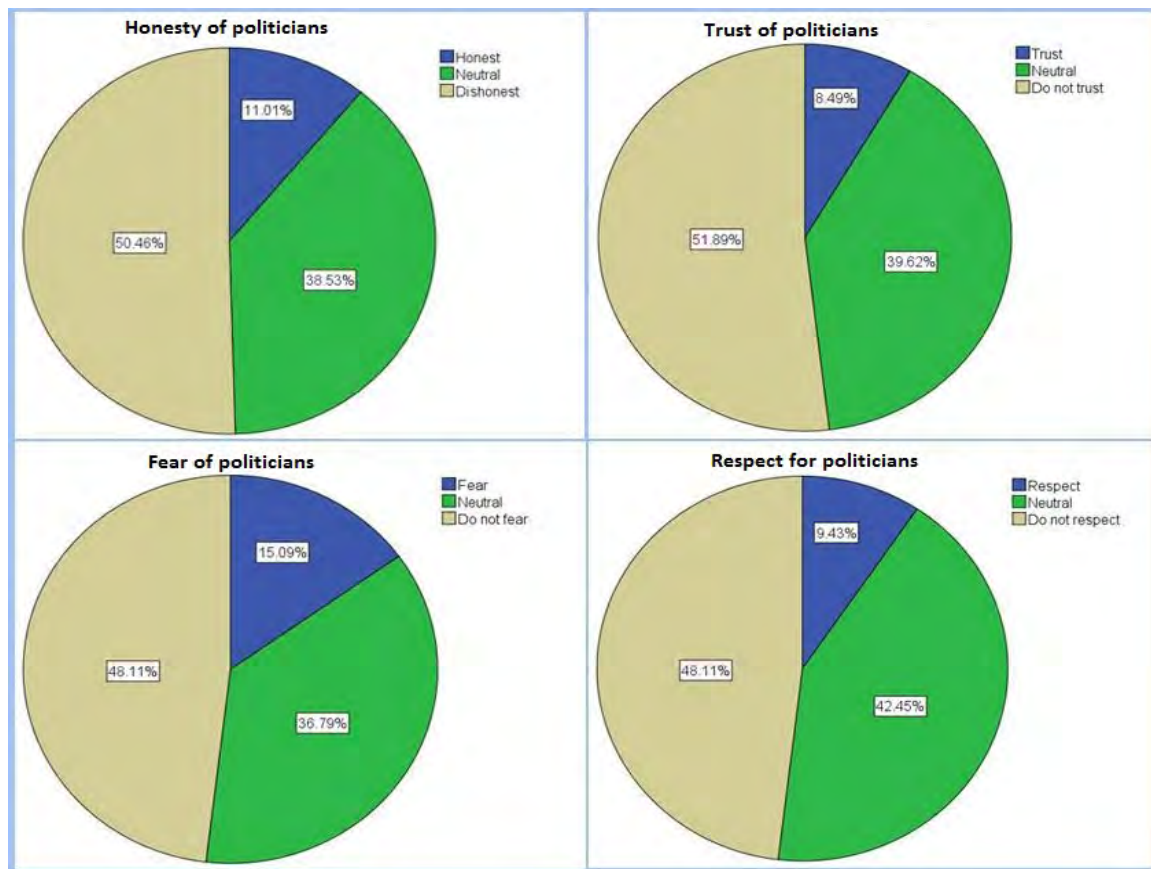


Figure 3. Community members' maps of honesty, trust, fear and respect for politicians

4. The role of civil society organisations and social activists

Although there are several active Community Based Organisations (CBOs) in the area (women's organisations, farmers' organisations and youth organisations connected to the Catholic Church), there are currently no NGOs based in Wanathavilluwa. Several International Non-Government Organisations (INGOs) such as World Vision have implemented development projects in Wanathavilluwa in the past, but today none are currently active in the area.

We interviewed key personnel of several NGOs who had shown interest in the area, but we found that they had little understanding of the social complexities of the area. By contrast, local small-scale community organisations in Wanathavilluwa are more active and have a sound understanding of the key issues of the area. Nevertheless, we are unable to find any community organisation interested in the issues of violence, torture, the improper use of force or human rights more generally with the exception of one particular individual (a Buddhist monk), with a long and consistent history of human rights activism. During the 1980s and 90s he actively participated in nationwide protests for peace and democracy and he continues to work actively to promote the protection of human rights. Despite his consistent efforts to empower people through awareness raising programs about rights and democratic values and although all of the ethnic and religious communities in the area hold him in high esteem, it seems that his attempts have not achieved their intended results. This may be a result of the widespread and entrenched acceptance of violence and hierarchical social orders (discussed below) or it may be because the methods he has been using have limited effectiveness, or most likely a combination of these and other factors. We observed a Human Rights Day celebration that the monk had organised in Wanathavilluwa but its focus was very much on portraying and promoting

cultural diversity rather than on human rights violations more directly. Nevertheless, it did provide a good space for different ethnic and religious community members to come together to organise a shared social event.

Other than this event, during our fieldwork we participated in two further notable civil society events. These were an inter-religious event organised at the mosque and a feast at a popular Catholic Church in Gangewadiya. We also learnt that people belonged to all ethnicities/ religious communities in Wanathavilluwa have collectively organised protests against inaction by Government officers, corruption of Grama Niladharis (GN, village officers) and participated in strikes in their work places. There have been four notable protests in Wanathavilluwa during last year. These were: a protest against a corrupted GN; a protest against construction of a hotel by Pradeshiya Sabha because of concerns that the presence of a hotel will have a negative moral impact on the villagers; a strike at the Aruwakkadu limestone quarry; and, a protest against transferring an OIC who used to raid illicit liquor brewing places and shamed the wrongdoers in public.

What was notable was that none of these protests concerned human rights violations or violence, indicating that even these more active community members did not consider them to be important topics. In fact one of the protests was organised with the intention of supporting a police officer who is known for his abuse of power.

This disinterest or disengagement from CBOs in relation to human rights is consistent with what we found more generally about civil society attitudes to human rights in the area. In many of our interviews, when we asked about human rights in general or police use of torture in particular, people showed little interest in discussing such issues. When we asked what people thought the human rights issues were in the area, we often heard about problems with young people, specifically concerning their sexuality but also alcohol and drugs. When it came to policing, and as discussed below, a number of people expressed the view that police use of violence (torture) against people who were guilty of wrongdoing was consistent with their expectations. One can conclude that at the general community level, there is at best little interest in, if not ambivalence towards human rights and, as discussed below, some support for certain types of human rights violations.

CHAPTER THREE: POLICING IN WANATHAVILLUWA

1. Police personnel in Wanathavilluwa

During the war, approximately 1,000 military personnel were deployed in Wanathavilluwa. Since the end of the war, almost all the armed forces have been concentrated in barracks and they have no involvement in the area's civil administration. Likewise, while there were 650 police officers attached to Wanathavilluwa police under the supervision of an Assistant Superintendent of Police (ASP) during the war managing more than 60 police check points, the number has now been reduced to 66 police officers who are attached to Wanathavilluwa police station under the supervision of its OIC. There is only one police checkpoint at the entrance to the Wanathavilluwa police/ DS division at the 6-mile post.

Amongst police personnel, we identified two groups who form quite different classes within the police ranks and who, in our view, need to be considered distinctly in terms of their concerns, perspectives and practices. These are those officers who joined at the most junior level and remain in relatively low ranked positions and those officers who came in at a higher level and tend to move more readily up the ranks. We discuss them separately below.

Most officers who joined as Police Constables (PC) have not completed their General Certificate of Education Advance Level (GCE A/L) and as such are not able to join at the Sub-Inspector (SI) rank. In fact many joined the police as PCs precisely because with their minimal educational qualifications no other government job was available to them. Such jobs are desirable insofar as they provide both security and a pension. One female Police Constable commented, for example that "it was the least competitive government job among young women".¹¹

According to the procedures within the police department, an employee can apply for promotion every eight years provided that he or she has not been found guilty of any misconduct. Usually, however, promotions are delayed for a number of reasons. Even if we assume that a person who joined as a PC shows utmost commitment and obtains his or her promotions on time, the highest rank he or she would be able to reach would be Assistant Superintendent of Police (ASP). We learned that there are in fact very few ASPs in the police department who joined the force in this manner. Most of the officers who had joined as PCs remained at lower levels. All the Sergeants we interviewed were now between the ages of 45 and 55 and had joined as PCs in their early 20s. In other words, during their entire career, they have been able to move up only one rank, a fact indicative of the paucity of opportunities for a person who joins in this way. Nevertheless, none of them seemed seriously worried about their reduced opportunities for promotion and seemed to have made up their minds to live with this reality. All of them did however bring up the problems they experienced in getting leave even for serious family matters as well the difficulties associated with the heavy work load. Since they are in the lowest ranks they are the people who have to put up with all the burdens that arise due to lack of facilities and lack of personnel and they are aware of this weight.

The second group is officers who joined as Sub Inspectors (SI) and have completed GCE A/Ls. Five officers in this group were interviewed. In theory, they can move up to Deputy Inspector General (DIG) rank, but in practice most end up in the ranks of CIs or ASPs. They mentioned prestige, respectability and (symbolic) power as their reasons for joining the police. Although the social status of their families differed, they shared a common intention of joining the police to gain social prestige and power that cannot be obtained through other jobs. One officer we interviewed was a national level sportsman during his school years and had received his education in one of the prestigious Buddhist schools in Colombo. Another officer was a member of one of the elite families in Kandy and he was eager to reveal his family background at the very beginning of the interview. The other officers were from lower-middle class backgrounds and wanted to have a thriving career. For them, their profession was not just another means of earning an income. They expected upward social mobility, an increase in social power and heightened privileges for their families. To achieve these they have to get promotions and move up the police hierarchy. As such, they were very aware of training and other opportunities that would increase the likelihood of gaining promotions.

¹¹ Interviewed on 24/12/ 2014.

This sense of career ambition and desire for prestige is not present amongst the officers in the first group, who are more concerned about leave and facilities. One young SI from this group told us “I do not care about anything, as long as I get my promotion on time”.¹² Another officer we interviewed had joined the SI rank in 1992 and had been promoted to Inspector of Police (IP) in 2002. Although he has undertaken numerous in-service trainings and has not been found guilty of any professional misconduct, for last 12 years he has been at the same rank. According to him, this was because others who had the political patronage were able to get promotions ahead of him, even though he had scored high marks on tests. This case was consistent with the findings of our broader research about the politicisation of policing and the link between success in the organisation and an individual’s political connections.

Our research led us to conclude that these two categories of police personnel have different attitudes towards their profession and different expectations for their careers. Recognising their quite different perspectives and relationships with their work is important from the point of view of understanding the incentives that motivate them and the values around which they orient their actions. In *Issues Paper 2, Exploring the Root Causes of Torture*, we discussed the link between different forms of capital in security organisations and motivational structures, recognising that people shape their behaviour according to the types of behaviour that they believe the rest of the group values. In *Issues Paper 5: Organisational and Normative Change in the Security Sector*, we looked at the research indicating that organisational change strategies need to be developed with an eye to what is valued by people in the organisation if they are to be successful and sustainable. Here we can see that for the officers in the first category, fair treatment and fair working conditions are highly important, whereas for the second group, prestige and promotion are important. At the same time, the strongly hierarchical system, where ability to move up in the organisation is tied to what is effectively a type of class structure may be one of the impediments to building a culture of ethical professionalism in the organisation.

2. Wanathavilluwa Police Station

At present the police station is located in an old house belonging to the Divisional Secretariat and the rooms of the house have been converted into different sections of the police station. There was clearly neither sufficient space nor the necessary facilities for a fully functioning police station. There is no space for some units, notably the Women and Children’s desk. The female Police Constable (PC) who is in charge of Women and Children’s desk has to share a table with her male colleague in the administration room.

Villagers who come to make complaints have to wait in the ‘summer huts’ in the garden, as the main building does not have enough space to accommodate more than six to eight people at a time. The station has one jeep, which is often used by the Officer in Charge (OIC) and three motorbikes that are used by all branches, including the traffic branch. In an emergency, officers have to use their personal motorbikes unless there is a vacant vehicle in the police station. When they arrest suspects they find it difficult to bring them to the police station as they are not permitted to allow a suspect to travel on the back seat of their motorbikes. Even the Sergeant who handles cases at Puttalam Magistrate and High Courts on behalf of Wanathavilluwa police station has to use public transportation to go to the courts with all the necessary documents.

One female PC told us that whenever she has to travel to a crime scene or a community program she has to ask a male colleague to take her to the scene on his motorbike or ask someone to give her a ride. She told us that once when she was waiting for a ride on the main road, the driver of a vehicle intentionally hit her.

Salaries of police officers are relatively low when compared to other government and private sector employees. Junior officers live in quarters that are called barracks, with tin roofs that leak during the rainy season. The barracks have minimal facilities (bunk beds in one hall, small lockers, shared showers and toilets only) and living conditions are made more difficult due to the heat and mosquitoes.

¹² Interviewed on 21/12/2014.

The police station is clearly a male dominated and masculinised space. Most of the time, the OIC and the Crime branch OIC do not wear their uniforms. It is not unusual to find Police Constables wearing T-shirts instead of the police shirt carrying their name, number and the police logo. Sometimes male police officers make sexual jokes regarding suspects in custody. Normally female police officers do not take part in these humiliating acts and try to stay away from where they are taking place or turn a blind eye to this display of masculine domination.

Overwhelmingly, the majority of women we spoke with told us that they are reluctant to go to the police station. Unmarried women in particular will not go to police station, which is considered a place where a 'respectable' lady should not go alone and if necessary, should go with a male relative. During our visits to the police station we observed that the overwhelming majority of people in the police station were men and that if ever a woman was there, she had a man accompanying her. Being present within such a space is considered putting yourself at risk of being subjected to ridicule or humiliation. Even a female lawyer told us that although she was on good terms with police officers she would never go to the police station. She told us that when a client asks her to come to the police station to obtain bail she would telephone an officer she knows and ask whether the accused might be released on police bail.¹³ One retired government officer, who now holds a post as chairman of the Village Welfare Society told us "I have been living in this area for 40 years. I have never been to police station. Why should I go there? Only the wrongdoers go there. It is not a good place to visit. If you want to protect your dignity always keep away from it".¹⁴

An incident that we observed during one of our visits to the Wanathavilluwa Police station is indicative of the environment. The background to the case is that a person hired a three-wheeler to take him to a remote jungle village area. After he reached his destination he got down and left without paying the driver. Later family members of the driver found him on a jungle road waiting helplessly for someone to come and pick him up as he had run out of fuel. They brought the person who hired three-wheeler to the police station. We were in the police station when the statement of the accused was recorded.



CASE STUDY

A police officer took the accused out of the cell and gave him back his shirt and wallet (sometimes when arrested men are put into the cell police officers ask them to remove their shirts). He put his shirt on. He was asked to sit in front of a table. On the other side of the table a police sergeant started writing out his statement. Another sergeant and a constable (who was not in uniform) were also present. As the accused was a Tamil person and the statement was recorded in Sinhala he had no clue what was being recorded. The constable who was not in uniform suggested that they produce the accused in court on the false allegation of cutting wood in the National Park. The police officer used insulting words to address the accused such as *Umba*, *Moo*, *Meka*. (All these words can be translated to English as 'you', but they carry a sense of disrespect) One sergeant said "How dare you enter this area. I have told you not to come here" (*Umba mona haiyakatada mehe awe. Man umbata kiyala thiyana me paththe enna epa kiyala*). "You should marry a woman from this village" (*Umba mehen ganiyek kasada bandapan*) he laughed. The accused said something in Tamil and started to cry. The police officers threatened him, "Don't try to fool us. We know who you are". Finally the suspect was asked to sign a statement written in a language that he could not understand. After he signed the other two police officers read the statement and laughed (we do not know what was contained in the statement). The accused was released. Later we asked the OIC about the accused. He replied, "Oh, he is just a lunatic".

¹³ Interviewed on 20/12/2014.

¹⁴ Interviewed on 20/12/2014.

3. Villagers' perceptions of police and professional misconduct

"Police are the worst. We do not respect them. They are like filthy worms" (Village woman).¹⁵

"Policemen are like beggars. All of them are same" (Small businessman).¹⁶

The attitude of villagers to police is very far from positive, with villagers seeing police as corrupt and unethical in their behaviour. Most of the villages criticised police officers for taking bribes, victimising people who do not meet their demands, for being lethargic and for drunkenness. They also said that police were known to frame people with false charges for the sake of filing more cases in the courts. In this context, we note that each police station is given a target of filing a given number of cases in each category to the Magistrate Court every month. The efficiency and effectiveness of the OIC and the other police personnel is thus measured by the number of cases filed by each police station. This target is decided by the SSP of the area based on the information he has on the crimes occurring in each police divisional area. According to most of the villagers this policy of evaluating the efficiency of police stations by the number of cases they file has badly effected the poor villages as most of the police officers will ensure that they meet targets even if this means filing cases based on false accusations against poor, vulnerable villagers (at the same time as giving protection to rich, businessmen involved in illegal activities).

Some of the incidents recounted in interviews are described below.

Incident 1:

One small restaurant owner, who is a villager, told us traffic police always come to his restaurant with different people whom they have stopped and accused of various traffic offences. Their bill is always paid by the alleged offender. There is a small hut constructed outside his restaurant. Police officers frequently come with their rich village friends and have a drink, which their friends bring while buying food from the restaurant. The restaurant owner told us now it has become a nuisance as they drink until late at night even after he closes the restaurant. According to him most of the people who come there with police officers are the people who illegally cut down trees in the National Park.¹⁷

Incident 2:

One young person told us that when he went to get a police certificate in order to apply for a job he had to wait there for the whole day. While he was there, the police officers asked him to bring a bundle of A4 papers at his own expense (often police stations do not get sufficient stationary).¹⁸

Incident 3:

One small furniture shop owner said whenever there is repair required at the police station he is asked to do the repair without any payment. He told us that a young police officer who is preparing for his marriage keeps coming to his home asking for a bed and a cupboard. "Do you know how much does it cost for me? But, I cannot say no to them. If I say so I will have to face the music," he said.¹⁹

Incident 4:

A village recounted the following:

"There was a quarrel during the night in my neighbourhood and one person was stabbed. The police came and arrested the offender and kept a police officer to guard the crime scene until the SOCO (Scene of the Crime of Officer) unit arrived to conduct further investigations. The policeman who remained was very drunk. He couldn't even stand properly. Why would police give a weapon to a person who cannot even stand straight and guard a crime scene?"²⁰

¹⁵ Interviewed on 31/01/2015.

¹⁶ Interviewed on 06/02/2015.

¹⁷ Interviewed on 04/02/2014.

¹⁸ Interviewed on 21/02/2014.

¹⁹ Interviewed on 19/01/2014.

²⁰ Interviewed on 31/01/2015.

Incident 5:

Since Wanathavilluwa is popular for cashew nuts, there are many places where cashews are processed and packed. It is very common for policemen to come to such places and ask for cashew nuts. They never pay and always say it is for a senior police officer who is visiting the police station for an inspection.²¹

Incident 6:

A person who was working in the limestone quarry of the cement factory was arrested by police who then filed false charges accusing him of holding illegal timber. He was remanded for 14 days. He had been holding the timber for more than five years in his home and thinks that the seizure was at the behest of the owner of the cement factory as he was a trade union leader and had organised a strike during that period. Since the police were unable to prove the accusations later he was released by the court but the timber was never returned to him.

Incident 7:

One village woman explained this incident in order to show the frustration she feels about police:

“Two to three years ago I found out that that there was a dead body of a young woman in the forest area adjoining my back yard. She may have been taken here by a fake boyfriend from outside the area, raped and murdered. I did not inform the police. I did not inform them due to my past experience. Once when a crime took place in my neighbourhood one of my neighbours came forward to give evidence. Police did not conduct the investigations properly and the court case was dragging for years due to police inaction. But on every hearing date my neighbour had to go to the court. Only one day she couldn't go and the police asked for a warrant, arrested her and produced her to the court. I did not want to experience the same thing. Eventually after a month police found the dead body. By that time it was destroyed and eaten by wild animals. There was no way of identifying her.”²²

Indeed on the first day of our fieldwork on the way to Wanathavilluwa we experienced such corruption ourselves. We were driving along the Puttalam-Mannar road that leads through Wanathavilluwa. This is a road with very little traffic. When we were passing a narrow bend our vehicle was stopped by two traffic police officers of the Wanathavilluwa police (still unknown to us). We stopped the vehicle. They were about 20 metres behind us. The two officers took no notice of us and remained still. The driver and one of our team members got out of the vehicle and approached them. When we tried to speak to the Sergeant who signaled us to stop, he pointed to the constable and walked away. The Constable asked “Who are you? Where are you going?” We introduced ourselves. Their expression was not friendly at all. He said we have crossed the mid line on the road and it is an offence that can be prosecuted in a traffic court. Although our impression was that no such thing happened, we could not prove this as the road was narrow and there was a possibility that our right rear wheel may have crossed the line when taking the bend. “You are coming from a long way. What should we do?” he asked (if we are sued in the court we have to come to the courts on the given date). He was waiting to see what we did next.

Since it seemed that we were not going to offer him anything, the Sergeant who was observing the discussion from distance moved to the scene. He started writing a ticket from the bottom of the page (earlier the Constable had told us that the alleged offence was a one for which a ticket cannot be issued and that they would have to produce us to the traffic court). He filled it in very slowly. Filling it from the bottom indicated to us that he would be entering the name of the offender last, in this way allowing time for us to offer a bribe. Since there was no response from us he put the name on the top of the ticket after taking a final look at us. He kept our driver's driving licence with him and asked us to pay the amount at the post office and bring back the receipt to get the licence. The offence mentioned in the ticket was ‘reckless driving’.

²¹ Interviewed on 31/01/2015.

²² Interviewed on 31/01/2015

Beyond these specific criticisms almost all the villages we interviewed expressed their dissatisfaction about police officers being lazy, inactive and finding easy ways to conduct investigations so that the cases failed in the courts. As a result of villagers' suspicion of police, their level of loyalty and respect of police officers is relatively low compared to other officials.

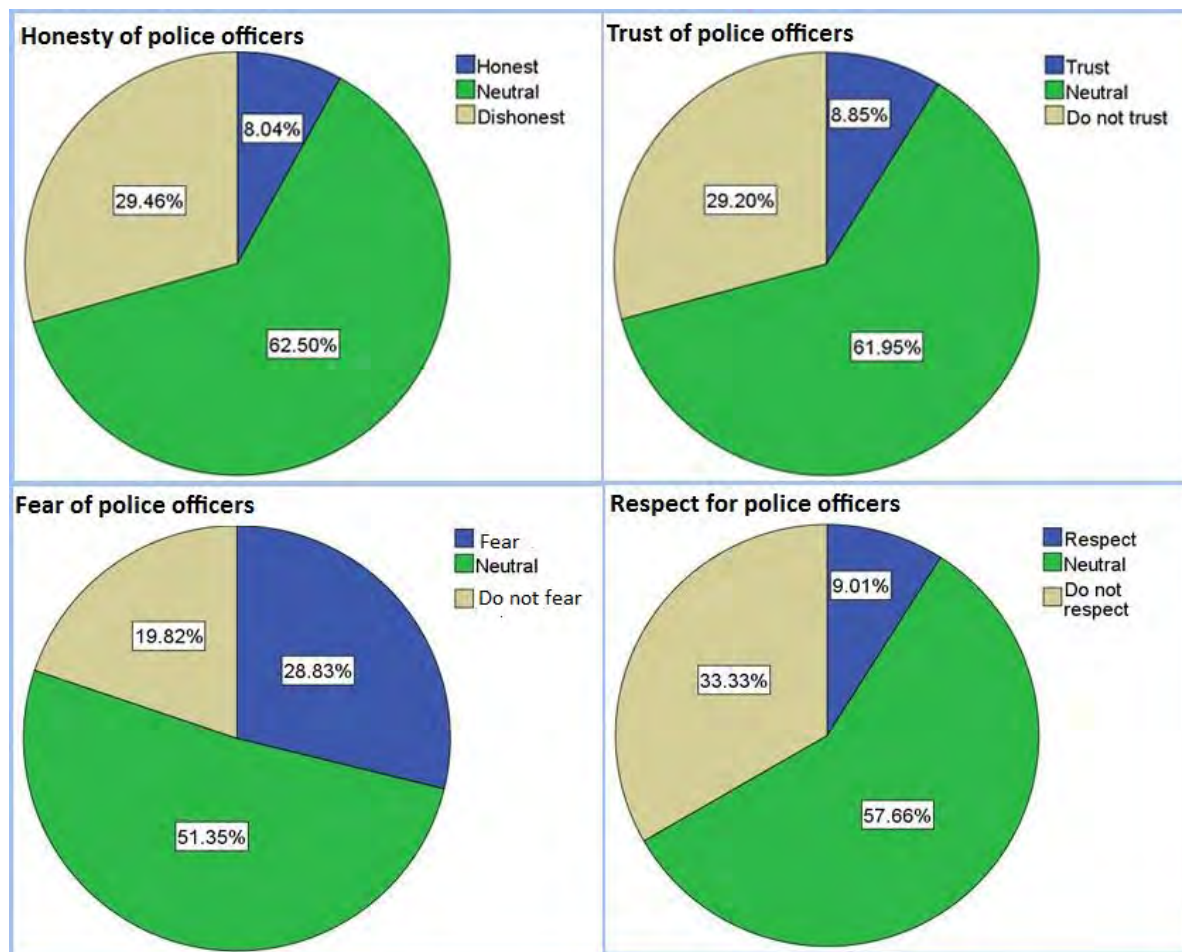


Figure 4. Community assessments of police honesty, trust, fear/loyalty and respect

4. Policing and human rights

It is difficult to get an accurate measure of the level of the use of torture and other human rights violations by police and other officials in Wanathavilluwa, although as discussed in this section, there are indications that it occurs on a regular basis. At the same time, it does appear that the extent of torture has been significantly reduced since the period of the civil war and no deaths or serious injuries have been reported recently. Moreover, the abductions by unidentified groups (usually assumed to be authorised by the government), which were previously occurring, have not been reported in last couple of years.

The Investigation Officer of the Human Rights Commission told us that they receive about twelve to fifteen complaints each month and about 60% of these were related to police torture. Given that our research indicated that most people do not consider the use of violence by police against people who have committed a crime to be an issue worthy of complaint, we can estimate that the actual figure is significantly higher. The majority of people are unaware of the legal remedies available for them when their rights have been violated. Indeed, although the word 'human rights' has become common in the vocabulary of the general public, most do not know what is really meant by 'human rights' let alone how to go about making a complaint. For example most of the people were unaware about the existence of the Mobile Office of the Human Rights Commission (HRC) in Puttalam.

Due to the lack of resources and lack of staff at the local office of the HRC, the inquiry process takes a very long time. In fact, since the establishment of Puttalam HRC office in 2012, not a single police officer has been found guilty of torture. There are three ongoing inquiries by the HRC and all of the complaints have been made by so-called 'powerful' people (wealthy businessman from Puttalam and two local politicians) in the area.

According to police we interviewed, the existence of human rights law has constrained their behaviours. All the officers we interviewed expressed the view that police officers should protect human rights (of the society), but at the same time said that human rights have made their work more complicated and difficult. As a senior officer put it:

"We are restricted by the Article 11 of the Constitution. Earlier we used to record confessions by using various means such as hanging from feet, putting testicles to a drawer and closing it, beating the soles. We know we cannot use a confession in a court case. But we used it as a weapon in order to make the suspect reveal the evidence which we can use at the court. But with the introduction of human rights we cannot do it. We find it difficult to conduct investigations now."²³

According to police, powerful people who commit illegal acts use human rights as a shield against the police. Another police officer told us that "culprits are the people who have mastered human rights. When we make an arrest they start to count the time. They know we have to produce them to the courts within 24 hours. They think if they can fool us for 24 hours they can get away."²⁴ Comments such as these, as well as our observations, led us to form the view that while police officers give lip service to human rights laws, most have not internalised them as principles that they embrace for themselves and human rights have not become part of the policing culture. Human rights are conceived as part of an ongoing game of who has the most power – something to be used rather than a basic norm embraced by all parties.

The manner in which police respond to summons' sent to them by the HRC for inquiries is also indicative of their attitude towards human rights. According to the HRC inquiry officer there have been many instances where officers of Puttalam and Wanathavilluwa police stations have not turned up when they were summoned by the HRC Puttalam office. When they do not show up, the HRC summonses them through the Senior DIG of the area or the Inspector General of Police (IGP). The most common excuse the officers give for not showing up is that they did not receive the summons.²⁵ The research team observed that one police officer who was summoned appeared without wearing a uniform and the inquiry officer gave him another date and asked him to come in his uniform. These kinds of acts portray either their resistance towards human rights or that they do not take HRC seriously as its decisions are not legally binding.

As already flagged in the discussion of community based organisations, one of the consistent findings that we made was that respondents in the villages expressed the view that that 'it is OK to be beaten by the police, if you have done something wrong'. Even the HRC inquiry officer told us "if they are the wrongdoers, they won't come to HRC even if they are tortured".²⁶ We asked one lawyer we interviewed about police torture. He laughed and said, "it's obvious they will beat the wrongdoers"²⁷. Another lawyer told us about a case of torture he was aware of and when asked whether there had been a complaint, he pointed out that the accused was guilty, apparently presuming that this was sufficient explanation for why there would be no complaint.²⁸

These examples illustrate the degree to which police violence had been normalised in post war Wanathavilluwa. At the same time, such violence is considered an essential component of maintaining law and order in the society. When it comes to police using violence against people who

²³ Interviewed on 13/03/2015

²⁴ Interviewed on 04/02/2015.

²⁵ A summons is sent by registered post so if it is not returned this means that it has been handed over to someone in the police station who signs for it and receives it.

²⁶ Interviewed on 11/02/2015

²⁷ Interviewed on 18/12/2014.

²⁸ Interviewed on 21/11/14

are thought to have committed crimes, the majority of the villages approved this as what they saw as a means of 'controlling wrong doers'. One influential Buddhist monk from the area said, "people do not mess with the army. Nowadays people are losing fear of police officers. They should be disciplined like army soldiers".²⁹ A female lawyer in the area laughed when we asked whether people are beaten by the police. She said if you are arrested with crimes like theft, this is something you should expect. According to her there are many occasions where relations of arrested people have come and told her that the police are beating a person they have arrested. Even the Human Rights Commission inquiry officer of the Puttalam mobile unit stated that people generally accept that if they are arrested for any wrongdoing they deserve to be punished by police during their custody. He said most of the people who come to see him say "it is OK to hit us if we have done something wrong, but they hit us for something we have not done".³⁰

Beyond these social and cultural dimensions, it is also worth noting that the requirements of taking a human rights complaint make it impracticable for most ordinary people. According to the Sri Lankan Constitution human rights cases must be heard in the Supreme Court, which is situated in Colombo and the lawyers who appear in Supreme Court are mostly based in Colombo. This means that that if someone files a human rights petition in the Supreme Court he or she has to travel frequently to meet with their lawyers and attend court hearings. Fees for the lawyers who appear in the Supreme Court are very high, making them inaccessible for poor villages. Also the proceedings of the Supreme Court are conducted in English, an alienating experience for many poor people who do not understand English.³¹ In this context, filing a Fundamental Rights petition in the Supreme Court is something unthinkable for a villager.

The main themes that emerged from our research on the police and human rights can be summarised as follows:

- Within the police organisation there is significant internal hierarchy. According to where they are located within the hierarchy, police personnel have different career expectations and different attitudes towards their profession;
- While officers belonging to the lower echelons of the hierarchy see the main problems in their workplace as workload, lack of facilities and difficulty of finding time for their personal life, the officers in the more prestigious group experience frustration due to lack of training opportunities and the politicisation of the institution.
- The police station is a masculinised space particularly inhospitable to female employees. Members of the community see visiting the police station at the very least as placing themselves in an undesirable situation, if not exposing themselves to the threat of humiliation;
- The community generally does not hold the police in high regard;
- Corruption, using rude language and associated with the people who are engaged in illegal acts or acts that are considered disrespectful are the main reasons behind the public's disrespect for police officers;
- Although police officers are aware of human rights they feel that human rights represent a burden to their carrying out their duties;
- Although the majority of people are familiar with the term human rights, most have little understanding of what human rights actually entail and are generally unwilling or unable to seek for remedies when they are violated. This is particularly the case for those who are poor and marginalised;
- The general perceptions of human rights amongst members of the general community are consistent with the views of police officers, particularly with respect to the treatment of those they believe are guilty or have acted improperly;
- Both police officers and the general public believe that it is the duty of the police to punish wrongdoers in order to discipline them and make society a better place. In this context, human rights may be seen as an impediment to fulfilling this duty;
- Using torture against certain categories of people in the society is socially accepted.

²⁹ Interviewed on 21/12/2014.

³⁰ Interviewed on 11/02/2015

³¹ Conducting Supreme Court proceedings in English is not a legal requirement, but most of legal practitioners in the Supreme Court belong to the Colombo based elite class who are fluent in English.

These pervasive findings about the acceptability of torture when used against certain type of people, and more generally our findings about the pervasive character of violence raise important questions about the 'cultural status' of violence and social hierarchy in Sri Lankan society. Indeed, our findings indicated that perceptions of torture are rooted in broader patterns of meaning and social order. As such, we came to the view that in order to establish a deep understanding of what causes and sustains torture, it is necessary to go beyond findings and even beyond simple explanations or causal theories. For this reason, in the final chapter of this Issues Paper, we turn to try to make sense more broadly of the patterns and meanings of violence in Sri Lankan society and how our specific findings about police torture can be contextualised within these broader patterns.

CHAPTER FOUR: TORTURE IN THE CONTEXT OF PATTERNS AND MEANINGS OF VIOLENCE

1. Understanding violence in a non-violent or restrained society

“My son has a very calm character. He is a university student. He does not have many friends. My daughter is learning in a reputed Buddhist girl’s school in Colombo. She is doing her A Levels. My wife always accompanies her for her protection. My parents live with us. My wife looks after them as her parents. We all worship Buddha in the evening together. All my family members have dinner together. We rarely watch TV. We are a very happy peaceful family” (senior police officer).³²

During an interview with a senior police officer, he elaborated on how peaceful his home is, with family members portrayed as peaceful and highly restrained. On the surface he was simply speaking about his family, but his raising this image in his discussion with us suggests that perhaps he was alluding to his ideal for a peaceful and restrained society. Is this peaceful yet restrained model of the family also one that is held as the ideal for Sri Lankan society more broadly? And if so, what does this mean about the aspects of society that are not peaceful and restrained. To explore these questions, we consider some of the anthropological research on the broader Sri Lankan context.

Exploring violence in the Sri Lankan context, Pradeep Jeganathan observes that most of the research on violence in Sri Lanka ignores day-to-day violence. Referencing his own fieldwork, he concludes that there seems to be “no space between complete non-violence and the sin of the violence; so the appearance of violence, inevitable in some situations of conflict and tension, tends to be impulsive and uncontrolled”.³³ In this sense, the violence that takes place in everyday practices is not explored by most anthropological texts in Sri Lanka.

Jeganathan discusses how, according to the traditional Sri Lankan ethos, violence is seen as an eruption within a normally peaceful existence. Absolute or pure non-violence and absolute and pure violence constitute mutually exclusive polar opposites. Thus non-violence is a site where violence is fully restrained and violence is understood as occurring where there is loss of control or breakdown of everyday restraint.

“[t]he notion of restraint, then is the primary anthropological category through which the reading of violence as anything other than a fury, an eruption or an impulse, is foreclosed.”³⁴

Jeganathan suggests that the category of restraint and its production can be best understood by using the Gananath Obeyesekere’s notion of *Lajja-baya* (shame-fear),³⁵ a concept developed to explain the distinctive process of subject formation in Sri Lanka. *Lajja-baya* is instilled in subjects at different points of their lives in different ways depending on the particular field of power. Thus, from early childhood it is instilled through the process of socialisation that first takes place in the family. By accusing children with admonishments like “*lajja nathdha*” (aren’t you ashamed?) or ‘*minissu monawa kiyaida?*’ (what will other people say?), parents normalise certain types of behaviour within a broader field of power.³⁶ Within different fields power, authority is vested with certain classes of people who ‘police’ the normalisation process. Parents, teachers and eventually policemen are some of the agents who have been vested with this power in their respective fields. These authoritative figures impose the normalisation process through humiliating, threatening and punishing the subjects who violate the norm of restraint and engage with *Lajja nathi-baya nathi* (shameless-fearless) acts. Importantly, in a number of these sites, the restraint or socialisation is effected through the use of violence against transgressors.

³² Interviewed on 13/03/2015.

³³ Jeganathan, Pradeep, “A Space for Violence: Anthropology, Politics and the Location of a Sinhala Practice of Masculinity”, in Partha Chatterjee & Pradeep Jeganathan (eds.) *Subaltern Studies XI: Community, Gender and Violence*, Ravi Dayal Publisher, 2002, pp. 37-65.

³⁴ *ibid.* p. 45.

³⁵ Gananath Obeyesekere, *Medusa’s Hair: An Essay on Personal Symbols and Religious Experience*. Chicago: University of Chicago Press, 1984.

³⁶ Obeyesekere, *ibid.*, p. 505

According to Malathi de Alwis, this gatekeeping concept of *Lajja-baya* (shame-fear) is also a gendered concept.³⁷ From early childhood a male child is trained to be responsive to *baya* (fear) and a female child to be responsive to *lajja* (shame). In this way the capacity to endure fear (fear of being punished) becomes central to male respectability, while the female subject position is constructed as one that avoids shame (shame of being humiliated for being loose or immoral). Moreover, as Radhika Coomaraswamy has argued, within the South Asian context, culture and identity are relegated to the private sphere and seen as the business of women. Accordingly women's private lives are very carefully governed as they carry the burden of preserving rituals, customs, practices and morality.³⁸ We see this difference in the differential manner in which male and female students are disciplined differently within the field of power of schools. Teachers install *lajja-baya* in young children by shaming, ridiculing or controlling behaviour that is held to be inappropriate because of its brashness, forwardness or impudence.³⁹ More specifically, studies in the field reveal that girls are disciplined by teaching them orderliness, obedience and chastity through strict schedules, restrictions and punishments.⁴⁰

2. The normalisation of restraint

Our research provided evidence of the practices whereby *lajja-baya* (shame and fear) is constructed and reproduced in the population in Wanathavilluwa through a number of institutions including schools and importantly (in terms of understanding torture), by police. In fact, locating police as one of the institutions that is responsible for enforcing societal norms sheds important light on the meaning of the use of police violence in Sri Lanka. Before coming to discuss the role of police in reproducing *lajja-baya*, we consider its reproduction at a prior stage, in schools.

In interviews conducted with school principals and teacher, for example, processes adopted for naturalising shame and fear within students in the schools were evident. One school principal in Wanathavilluwa described an incident where she had cut the hair of a student. She explained that whenever she finds students with improper hairstyles she cuts their hair in a manner that humiliates them in front of their peers. All the principals we interviewed said they used canes to discipline students. When we asked another principal whether he thinks that it is necessary to beat children to make them disciplined, he responded to us with the question "Isn't it very normal?"⁴¹ One Buddhist monk who is the principal of a Sunday (religious) School told us:

"Children are very scared of me. I beat them with a cane. I ask teachers to frighten students with the cane. Otherwise you cannot control them. We were beaten by our parents. They did it with the good intention of disciplining us. Therefore even today we respect them."⁴²

Another school principal told us that if ever an accusation is made against a teacher, all the members of the staff automatically take his or her side. He reiterated the monk's view on the use of corporal punishment: "We know that punishment is necessary for discipline. I have noticed that the teachers who punish more have a deeper understanding of the children and therefore they are more popular in the school," he concluded.⁴³ According to another school principal, parents expect teachers to beat their children if they have done something wrong, because this is what they do at home. When asked whether there have been complaints against him for beating the students, he said, "on few occasions...but then I explained them why I beat them and they understood it"⁴⁴.

The gendered character of the process of subject formation through *lajja-baya* is evident in the high level of concern about and interference in female students' romantic relationships amongst teachers.

³⁷ Malathi De Alwis, "The Production and Embodiment of 'Respectability: Gendered Demeanours in Colonial Ceylon" in Michael Roberts (ed.) *Collective Identities Revisited*, Vol. I. Marga Institute Press, 1997, pp.105-143.

³⁸ Radhika Coomaraswamy, *The Disrobing Draupadi: Women, Violence and Human Rights*, Colombo: International Centre for Ethnic Studies, 2000.

³⁹ Jeganathan, *op. cit.*, p. 51

⁴⁰ de Alwis, *op. cit.*, pp. 116-7.

⁴¹ Interviewed on 19/11/2014.

⁴² Interviewed on 21/12/2014.

⁴³ Interviewed on 19/11/2014. The view he was expressing was that the teachers who hit children were actually those who were more concerned about their futures.

⁴⁴ Interviewed on 26/01/2015.

In the case of boys, the principal concern was managing the risk of rivalries developing between the boys (who compete for one girl's attention) and the risk that such rivalries might develop into clashes between teenage groups. When it came to girls, the concerns were far more serious and focused on protecting their 'good character'. Most of the parents and teachers expressed concern and did not tolerate their daughters' using mobile phones, as they saw this as a popular mode of communicating with boyfriends. Boys' use of mobile phones by contrast was not seen as a problem.

The extensive concern expressed by teachers about girls' relationships and use of mobile phones, as distinct from a range of important educational problems, is indicative of how central such 'moral policing' is in their perception of their own roles. From one perspective, one might argue that keeping strict control over teenage girls' private matters is not directly connected with their studies, and as such should not be a significant concern for school authorities. That teachers and principals believe that it is a critical concern and that parents authorise them to act in this manner reveals the extent to which their role and authority is exercised to reproduce the norm of 'shame' among girls within their field of power.

In Sri Lanka more broadly, women and girls are considered the site of honor and shame⁴⁵ and this is certainly evident in Wanathavilluwa. Young women are never encouraged to leave the village and it is largely for this reason that most of the elders and young men in Wanathavilluwa want a garment factory in the village where women can earn an income without leaving. One 21-year-old man who had worked in a nightclub in Colombo proudly told us, "we are happy our girls do not go outside the village and tarnish their names. I have seen so many girls from southern areas of the country who worked in our night club. What a low level life they are leading. Compared to them our girls are really respectable".⁴⁶ If a certain woman in the village exceeds the limits deemed appropriate for her and takes on duties vested with the men, she will face threats and humiliation. One woman who runs a community organisation told us that one Grama Niladhari (village officer) had threatened her for her forward nature: "You are too much. You should know your limits. I can call CID (Criminal Investigation Department) and send you a white van".⁴⁷

Moving from the school to the police, our research revealed the extent to which the police force is also held as an institution whose role it is to maintain social restraint and social norms by imposing the shame and fear. Just as in the school, teachers and principals discipline behaviour so as to ensure that young people develop what are considered to be appropriate social roles (and more fundamentally develop appropriate forms of subjectivity), so too police are expected to do this through acting in a manner that will humiliate, threaten and punish people who violate the norms of restraint and engage with Lajja nathi-baya nathi (shameless-fearless) behaviour. Indeed, we found that many police officers portrayed themselves as a type of personal crusade to create a disciplined society. Many of them told us that their job is a great opportunity to gain pins (merits) by making the society a better place. If we recognise this framing of policing as both a means of reproducing lajja-baya (shame-fear) and social order and as distinct from being associated with professional and institutional duties and obligations, one understands the behaviour of police, including their use of torture, in quite a different way. This different interpretation does not make it any less of a violation from the point of view of human rights standards, but it helps us to understand the persistence of these behaviours, even in the face of condemnation from the point of view of human rights laws and principles.

To illustrate this one can look at how the villagers viewed the actions of the former OIC of the police station. This OIC had adopted an approach to people suspected of producing or selling illicit liquor that involved arresting them, shaming them in public and producing them to courts with charges that were more severe than their actual offence. None of the villagers we interviewed said anything negative about the previous OIC. In fact the majority praised his work highly and greatly appreciated the methods he used. When people talked about how he publicly shamed suspects we observed a sense of enthusiasm on their faces. One Grama Niladhari explained:

⁴⁵ Coomaraswamy, *op. cit.*, p. 16

⁴⁶ During a focus group discussion conducted on 21/02/2015.

⁴⁷ During a focus group discussion conducted on 13/11/2014. In past few years there have been number of abductions by using white vans. Most of the abducted people have not come back to date and no one knows their whereabouts. It is not clear who is responsible for these abductions although it is often suspected that it was the government. We interviewed a former fiancé of a person who had been abducted by a white van.

“When he raided an illicit liquor brewing place he used to parade the arrested people through the village to the main road (3-4 kilometres) carrying all the equipment they used to brew the illicit liquor like a herd of buffalos. If you were arrested with two bottles of illicit liquor he would say on the charge sheet that it was five bottles. Sometimes he raided the same place more than 10 times until they stop their illegal business. When he came here there were more than 65 places that sold illicit liquor. At the time he was transferred there were only 3-4 places.”⁴⁸

This view was especially strong amongst police and other government officers, women, senior citizens and politicians. Many farmers and youth groups we interviewed also praised these public shaming acts by police, although they did tell us that they felt frustrated about police framing false charges against them (especially in relation to traffic offences). That these different types of police conduct were all rooted in the common dynamic of the abuse of police power did not seem to be a connection that the villagers made.⁴⁹

The chairman of a Village Development Society described a similar but even more severe incident that took place during the war when the military were involved in controlling illicit liquor: “Wrongdoers were stripped and made to carry all the barrels and gallons of liquor to the police station. It was about five-kilometre walk. On the way soldiers humiliated and beat them. All the villagers were asked to come to the road to witness the parade. At the police station they were arrested and later produced to courts.”⁵⁰

3. Social hierarchies in Wanathavilluwa

As noted earlier, the patterns of violence that we observed in Wanathavilluwa often appear to be linked with the identity of victims. Indeed as discussed in *Issues Paper 3 Human Rights in the Sri Lankan Law Enforcement and Security Sector*, we observed more generally that those belonging to marginalised or minority groups in Sri Lanka are more vulnerable to police and other forms of institutional violence. Further, and in relation to the discussion of the policing of identity, we observed that Sri Lankan society is stratified and organised in a manner that facilitates the process of disciplining subjects, sometimes through the use of violence. Strong and relatively rigid social hierarchies legitimate the use of violence or other forms of domination by some individuals against others. This is evident in Wanathavilluwa where two clearly divided groups exist, those who belong to the villages and those who belong to an elite class. The latter are united through strong social bonds and allocated privileges accordingly, while the villagers are held to be relatively uncivilised and for this reason deserving of quite different treatment.

The social hierarchy can be seen initially in the distribution of relatively high paid and professional roles. The overwhelming majority of the government officers working in different government institutions in Wanathavilluwa are from other parts of the country. This is due in part to the fact that the poor educational system in Wanathavilluwa has been unable to produce the educated workforce necessary for government administration of the area and the very few educated people produced by Wanathavilluwa generally move to urban areas seeking greener pastures. The majority of the officers working in the police station, the Divisional Secretariat, the post office, Agrarian Services, Wild Life and Forest officers, the Samurdhi Bank Association, the Irrigation office, the Agricultural Services office, Pradeshiya Sabha, the hospital (doctors) and schools are outsiders. For example there are 66 police officers in the police station at present and only one person is from Wanathavilluwa and even he is now living in his wife’s town of Kandy (more than 200 kilometres from Wanathavilluwa). We met some officers who travel more than 65 kilometres to Wanathavilluwa each way every day. Our research indicated that all the powerful figures in Wanathavilluwa society including government officials, religious leaders, lawyers and big businessmen live at a significant social if not geographic distance from others in the community.

⁴⁸ Focus group discussion conducted on 14/02/2015.

⁴⁹ In considering how enthusiastic villagers were about this treatment, it is worth remarking that the targeted individual could not of course have operated his business were there not a market for his product, indicating that he was vested with the entire guilt of an activity in which others also had a role.

⁵⁰ Interviewed on 23/11/2014.

Our research indicated that these physical and social distances are meaningful indicators of the social geography in Wanathavilluwa and that they have significant consequences.⁵¹ The 'elite' portrayed themselves as agents of Wanathavilluwa and its people, but their perspective on the area was very much not that of people who belonged to this community but rather of those who stand over the community observing and making judgments of it. This statement from a retired agricultural officer who settled in Wanathavilluwa 40 years ago with his family is indicative:

"These people are uneducated. Most of the children do not go to school. There is one colony (one of the poorest villages in Wanathavilluwa) that belongs to GN division where I live. All the people in this village are relations. Some have married even very close relations. Actually they don't have the concept of marriage. Recently there was one incident where a father had raped the daughter. She was 14 years of age. It had happened for some time. When she told the brother he also started raping her. One night she ran away from home and came to our house and told us the story. We called the police. Both the father and brother were arrested. The girl was sent to probation.

There is one couple; both the husband and wife go hunting. They have locally made 12 trap guns. In the morning they take all the dead animals and butcher them. In the evenings drunken men beat their women. Sometimes they drag them on the road. We turn a blind eye to those sights. But how can we raise our children in such an environment. If I tell someone that I live here he will see me as savage."⁵²

He told us that he never mingled with the villagers. His daughters were not allowed to mingle with village children and he had sent them to boarding schools in the city. Now they have finished their university education, they are married and are living in Colombo. We did not meet any officer, businessman or a clergy who had settled in Wanathavilluwa and was assimilated into the village community (with the exception of one Buddhist monk mentioned above). We might categorise these government bureaucrats, professionals, businessman and religious leaders who live both outside and within Wanathavilluwa as a type of 'inside-outsider community'. They retain the perspective of outsiders but operate within Wanathavilluwa and have a significant influence on what happens there.

We conducted several in depth interviews with people who belong to this 'inside-outsider community' and a key feature of almost all their statements was that they saw the people of Wanathavilluwa as uneducated – a factor that they identified as the root cause of almost all the problems in the area. Some indicative statements are reproduced below:

"The problems in this area are sexual harassments and family conflicts. The main reason for these problems are unawareness and villagers being uneducated" (Officer attached to the Crime branch of Wanathavilluwa police).⁵³

"People are uneducated. Girls marry when they become 13-14 years old. People do not want to teach their children" (Lawyer).⁵⁴

"Girls tend to start love affairs when they are in age 13-14. They stop school going and elope with boys. Both do not have proper jobs. We can witness grandfathers here who are just 35 years old. The main reason is lack old education" (DS officer).⁵⁵

"Men waste most of their money on alcohol. These people have no religious awareness. They are uneducated" (Businessman).⁵⁶

⁵¹ There a few people in these professional or better paid classes who have settled in Wanathavilluwa with their families, but even then they still continue to live as outsiders, maintaining a certain social distance from the villagers.

⁵² Interviewed on 20/12/2014.

⁵³ Interviewed on 21/11/2014.

⁵⁴ Interviewed on 18/12/2014.

⁵⁵ Interviewed on 03/02/2015.

⁵⁶ Interviewed on 18/02/2015.

“The main issue in Wanathavilluwa is family disputes and love affairs. Some women say they are fine with their husbands having extra marital relationships if they continue to treat them well. The reason for this is the low education level and the mindset of these people” (Priest).⁵⁷

Undoubtedly education levels are an issue, but the great emphasis that so many of these insider–outside members of the elite place on how uneducated the locals are may also be indicative of the way in which power is distributed and power inequalities are maintained in the community. By labeling the villagers uneducated, uncivilised people, the inside-outsider elite legitimises both the marginalisation of villagers from decision-making and their own dominance. By portraying themselves as agents of modern education and civilised lifestyle they naturalise the power hierarchy. Almost all the members of the inside-outsider community we interviewed highlighted efforts they have made to teach the importance of education to the villagers. During our interview with a lawyer in Wanathavilluwa concerning the villagers’ knowledge of human rights her reply was “No. If they knew they would have known about right to education. I always try to explain to people about the importance of education”.⁵⁸ According to her, she and her husband (who is working as the Medical Health Officer of the Wanathavilluwa hospital) are doing a great service by coming to Wanathavilluwa leaving behind their home village. After explaining everything she concluded saying “people say this village has been cursed by Kuweni”.⁵⁹ Such statements are highly reminiscent of and replicate the structure of the colonial bureaucracy. The elite perceive themselves as agents of modernity, enlightenment and civilisation who are assigned with the duty of civilising the native society.

Bourdieu’s concept of ‘symbolic violence’, a “gentle violence imperceptible and invisible even to its victims”⁶⁰ is useful in illuminating the dynamic we are pointing to. The symbolic systems that hold the power relations in place and legitimate those relations are not those overt forms of power that retain social hierarchies. Rather they operate below the level of consciousness in a way that is resistant to articulation, critical reflection and conscious manipulation. This also means that they cannot be easily named or challenged. In this case, there are implicit and relatively fixed understandings about the ‘types’ of people who belong to each group, about how they ought to relate to each other and about what sort of treatment they deserve. These rules are not recognised as forms of social control, but seen as natural or logical responses to ‘real’ differences in the levels of civilisation between members of the different groups.

We also observed that there are close ties of mutual understanding and agreement between the members of the inside-outsider community. For example police officers are reluctant to accept complaints against school principals and teachers. One school principal told us that after a parent of a student threatened her and said he would lodge a complaint with the police she called the OIC and informed him that a person was coming to lodge a complaint against her. Thereafter there was no communication from the police. One police officer told us that if ever he goes to the hospital there is no need for him to wait in the queue. Police officers get priority in almost all government offices. They are invited as guests to religious events in the area. One businessman said that when he passes the police checkpoint at night he switches on the light inside his vehicle to make the police officers aware of who is inside. “They never stop me”, he said.⁶¹

When we were waiting to meet an officer in Divisional Secretariat we witnessed an example of the differential treatment that members of this elite group accord to each other. A clergyman had come to ask permission to use a forest reservation as a temporary car park. The relevant officer said that although he could not give written permission he was ok with it.

One business woman praised the police saying that her husband was with her today because of police: “Once he committed a grave crime. I cannot tell you the exact details. He was arrested only for a few hours. Even before arresting him the police informed us. It was done only to show that the

⁵⁷ Interviewed on 21/12/2014.

⁵⁸ Interviewed on 18/12/2014.

⁵⁹ According to the legends Kuweni was the queen of the first king in Sri Lanka, Wijaya. Later the king chased Kuweni away and married an Indian princess. It is believed their kingdom was situated in present day Wanathavilluwa area. Kuweni cursed this land and the royal lineage.

⁶⁰ Pierre Bourdieu, *Masculine Domination*, trans. Richard Nice. California: Stanford University Press, 2002, pp.1-2.

⁶¹ Interviewed on 14/12/2014.

police were following the due process. You know, everything depends on police investigations,” she concluded.⁶²

Even those who have moved from being in the villager category to this more elite group express similar sentiments. For example, one villager who had become a businessman (one among very few of them) told us that when people visit government institutions such as the hospital and the DS, the villagers who possess attributes considered to be civilised by the government officers and who were seen as leading an appropriate life were given priority and enjoy privileges.⁶³ According to him it is not an injustice.

What this amounts to is the existence of two communities within Wanathavilluwa, villagers and the inside-outsider community, where the latter is highly networked and dominates the former, undermining the very foundation of equality within the area. Villagers who are so dominated feel that they are being marginalised due to their uncivilised, uneducated and pre-modern lifestyle as compared to the high morals, values and sense of dignity of those in the dominant community. In this way they willingly accept and contribute to the continuation of their own domination. This is consistent with the concept of symbolic violence discussed above. Where symbolic violence operates, the norms that hold inequalities in place are accepted by those who are dominated. They too “apply categories constructed from the point of view of dominant to the relation of domination, thus making them appear as natural. This can lead to a kind of systematic self-depreciation, even self-denigration”.⁶⁴ In fact, symbolic violence can be sustained only if those who are dominated agree to accept the domination and its legitimating reasons. This acceptance is shown by the villagers by being loyal and respectful to the inside-outsider community and holding them to be honest and trustworthy even as they are exploited and mistreated by them.

These social hierarchies are also evident in the way in which police operate in the community. The use of violence and torture is certainly not distributed across both groups, but generally reserved for those belonging to the ‘uneducated’ or ‘uncivilised’ according to this system of classification. As expressed in a human rights training for military that we observed, different types of people are understood as having different levels of dignity. This view of differential dignity is then used to justify the violation of the rights of those held to have with less ‘dignity’, on the basis that they are not being violated in the same way. This is of course completely contrary to the fundamental principle of human rights, which is that all people are equal in dignity and right. As the preamble to the Universal Declaration of Human Rights opens:

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

Concluding reflections

The ethnographic research we conducted in Wanathavilluwa reveals a picture of a community riven by strong social hierarchies and pervaded by forms of violence, manifest and symbolic. Indeed, the use of violence tracks the lines of social division, with some forms of violence being deemed appropriate for some types of people only. The idea that all peoples, irrespective their ethnicity, class, gender, social, economic or other status have equal human rights is certainly not one that has been internalised by the people in general or by the agents of law and order in particular. On the contrary, we found that there is broad acceptance for the use of institutional violence, including police torture, against persons who are held to transgress particular social norms or break laws. The idea that the formal law is the appropriate punishment and that it is the job of police to administer this law is not one that is generally held in this society. Police are held as agents for moral order, and where appropriate, they should enforce this order through the use of violence.

The implications for torture prevention strategies are significant. Certainly, laws prohibiting torture and the enforcement of such laws remain absolutely necessary. For such formal laws to be effective, however, torture prevention strategies have to go beyond the law, to engage with the way in which

⁶² Interviewed on 31/01/2015.

⁶³ The attributes that made someone ‘civilised’ were not identified but our impression was that he was referring to a particular form of presentation and way of speaking indicative of a certain type of level of education.

⁶⁴ Bourdieu, *op. cit.*, p. 35

violence is understood by the society in general and by police as part of this broad social understanding. They also need to engage with the forms of social order and social hierarchy, finding ways to challenge the entrenched forms of power and domination that make some groups less than human in the eyes of others. So long as some groups are understood as having less dignity, a law that is founded on the idea of equal dignity will be both actively and implicitly resisted.

Looking at the consistent and dedicated work that the Monk discussed above has been doing trying to raise awareness about human rights in Wanathavilluwa for the last two decades, it is evident how difficult it is to change entrenched views and attitudes. This is especially true when such views and attitudes are embedded in social orders and worlds of meaning. Superficial public education campaigns will certainly not be sufficient. Rather, the implication of this research is that the work of torture prevention needs to be placed in the context of long term programs of social transformation and the empowerment of groups are the subjects of physical and symbolic violence. Linking this back with the EHRP, the implication is once again that the work of prevention torture ultimately cannot be separated out from the work of addressing the social norms and forms of social organisation and meaning that render some people less than fully human or not fully deserving of respect. Equal dignity is the core of human rights and the norm against torture and it is often the fundamental failure to accord equal dignity that underpins the use of torture.

A further implication, perhaps not fully conveyed in this report, is that human rights projects in general and torture prevention projects in particular, will be most effective where they are grounded in a rich understanding of the contexts in which they are working. This was already a finding that we made in our prior research discussed in earlier Issues Papers (in particular *Issues Paper 5, Organisational and Normative Change in the Security Sector*). Here though, we had the opportunity to come in close to a particular society and to see how layered the social order is, how distinctive the distribution of power and how complex the social dynamics. Understanding how both the networks of power and systems of meaning operate provides those seeking to bring about social change with a crucial map of the social territory in which they are working. Without such a map, they are likely to go off track, or to miss their targets. Correlatively, understanding the context and the people who live in that context gives a real foothold into developing a potentially effective approach. Too often we think of the people with whom we work, be they members of the community or security sector personnel as 'objects of change' rather than as subjects who are already making sense of their world in a particular way. It may not be a way of making sense of the world that we approve or endorse, but without understanding it we are unlikely to be able to be part of a process of bringing about deep and sustainable change. Embedding human rights in a context where they are largely seen as irrelevant and foreign will only be possible where they come to be seen as meaningful and necessary to the people who will ultimately be responsible for protecting, honouring or claiming them.



