



Ending Police Torture in Sri Lanka

Recommendations and
Strategies

Policy Brief



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Sri Lanka Collective Against Torture



Ending Police Torture in Sri Lanka:

Recommendations and Strategies

A policy brief based on the policy dialogue held by Sri Lanka Collective Against Torture together with the Right to Life Human Rights Centre on December 11th at the Lakshman Kadiragamar Center in Colombo.

On 19 November 2023, twenty-six-year-old Alex succumbed to multiple injuries he sustained while he was in state custody. A video shared online, echoed his raspy voice describing waterboarding, suffocating plastic, and endless beatings. His family, hearts heavy with grief, blamed the inaction of the authorities and sought justice, not just for Alex, but for every soul vulnerable to the dark grip of police brutality. Their fight, a flicker against the shadows, demands answers, accountability, and a promise that even innocence deserves a life free from torture.

Background

It has been 75 years since the United Nations introduced the Universal Declaration of Human Rights and some parts of it have been included in the Constitution of 1978 as the fundamental rights of the people that cannot be alienated.

Accordingly, ‘No party shall subject any person to torture or cruel, degrading treatment or punishment.’ United Nations adopted the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment on June 26, 1987. Sri Lanka signed that Convention on January 03, 1994, and passed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment Act No. 22 of 1994 as a special act on November 25, 1994. The law came into action in Sri Lanka on 20 December 1994 making torture and other cruel, inhuman, or degrading physical or mental treatment a criminal offence. An offence under the act shall be liable to imprisonment for a term not exceeding seven years and to a fine not exceeding Rs.50, 000.

Accordingly, torture has been made a violation of the fundamental rights of the people and a criminal offense in the state of Sri Lanka. It has been 45 years since this law was incorporated into the Constitution, and 29 years have passed since it became a criminal offense.

However, statistics released by the Human Rights Commission of Sri Lanka outlined 560 torture incidents, 16 degrading treatments, and 2228 restrictions on individual freedom in 2023, indicating an increase compared to the previous year.

Even though robust laws against torture have been enacted in our country, and a “zero tolerance on torture” policy has been recognized in Sri Lanka, torture still prevails.

How can we address this issue?



Amitha Priyanthi, a victim liaison officer and a human rights defender, provided a poignant and firsthand perspective on police torture highlighting the prevalent issue of police brutality from the viewpoint of victims and their families, infusing a deep understanding of the challenges faced by those affected.

- 1. Prevalence of Abuse:** Reports indicated a disturbingly high frequency of police torture cases in Sri Lanka, including instances of custodial deaths, highlighting the prevalence of such incidents between 2020 and 2023.
- 2. Victims' Prolonged Struggles:** Cases related to police torture have endured for extended periods, some spanning 20-24 years. This extended legal process has significantly impacted victims and their families, causing prolonged emotional strain and denying closure.
- 3. Denial of Essential Rights:** Despite court orders, victims of police torture have been denied necessary medical treatment. This denial points to systemic challenges where victims are deprived of mandated care, exacerbating their suffering.
- 4. Social Disparities:** Vulnerable individuals, particularly those from marginalized socio-economic backgrounds, have been disproportionately affected, often becoming victims of false accusations and arrests within the criminal justice system.



Dr. Wijedasa Rajapaksa, Minister of Justice, and legal expert, focused on legal frameworks, institutional mechanisms, victim protection, legal reforms, and education initiatives aimed at preventing torture within law enforcement agencies in Sri Lanka.

- 1. Legal Framework:** Article 11 of the Constitution prohibits torture, necessitating strict enforcement within law enforcement agencies.
- 2. Institutional Mechanisms:** Independent bodies like the Independent Police Commission and Victim and Witness Protection Authority ensure accountability and investigate torture allegations.
- 3. Victims' Protection:** The Victims and Witnesses Protection Act (2015) safeguards victims' rights and well-being.
- 4. Legal Reforms:** Ongoing and proposed reforms streamline legal processes, offer alternatives for minor offenses, and aim to educate citizens about their legal rights.
- 5. Training and Integration:** 600 police officers trained to address language barriers. Upcoming legislation aims to constitutionalize village-level societies and promote reconciliation.



Former **Senior Deputy Inspector General (DIG) Priyantha Jayakodi**, lawyer and expert on policing, highlighted the adoption of modern investigative techniques, a shift in police attitudes, and the need for technological advancements to bridge gaps within law enforcement agencies, aiming to prevent instances of police torture in Sri Lanka.

- 1. Scientific Crime Investigation:** Emphasized the pivotal role of scientific crime investigation methodologies in addressing instances of police torture. Modernizing investigative techniques may avoid instances where quick solutions are sought, potentially leading to unethical practices.
- 2. Attitudinal Change over Ordinances:** A shift in police attitudes towards investigations rather than merely focusing on legal ordinances. Changing attitudes within the law enforcement community is fundamental to preventing instances of torture.
- 3. Technology and Infrastructure:** Technological advancements and proper infrastructure may prevent police brutality. Incorporating modern technology into policing practices to enhance crime resolution reduces the potential for unethical behavior.



It has been emphasized that using body cameras in the Sri Lankan police force is crucial for enhancing transparency, accountability, and trust within the community, while also reducing unethical behavior. These cameras provide an unbiased record of interactions between law enforcement officers and civilians, serving as valuable evidence in investigations and court proceedings. Additionally, they help deter misconduct and abuse of power by officers, as the knowledge that they are being recorded encourages adherence to proper protocols and procedures. Moreover, the presence of body cameras can improve officer safety by de-escalating potentially volatile situations and providing valuable insights into incidents for post-incident analysis and training purposes. Overall, the adoption of body cameras in the Sri Lankan police force is essential for promoting professionalism, integrity, and public confidence in law enforcement.

- 4. Gap between Legal Framework and Implementation:** Despite a well-prepared legal framework safeguarding human rights, insufficient infrastructure and technology hinder its effective implementation, exposing a critical gap that needs urgent attention.

Vacancies Grip Sri Lankan Police, Fueling Stress and Impeding Investigations

Sri Lanka's police force faces a critical manpower shortage with over 18,000 vacancies as of December 2019. The regular service alone struggles with 10,092 vacancies, including 236 senior officers, 360 tertiary staff, and 9,496 secondary level roles. Police Auxiliary Services also grapple with 6,361 vacancies, and the Special Task Force has 1,883 empty positions. This understaffing creates immense stress for remaining officers, potentially leading to unethical practices due to pressure and hindered investigations. To protect both officers and public, the government must prioritize police recruitment and resource allocation to fill these critical vacancies for a functional and ethical police force.



Dulan Dasanayake, a legal practitioner and human rights defender, delved into statistical revelations, the impact of public perception on policing, challenges within the judicial system, technology and training needs, and the necessity for an oversight mechanism to address issues of torture within law enforcement agencies in Sri Lanka.

- 1. Incidence Statistics:** Data from the Human Rights Commission report approximately 400-500 annual cases of torture, with approximately 90% of these incidents linked to police actions.
- 2. Public Perception and Media Influence:** Deterioration of the quality of police professionalism is attributed to media influence and inadvertent public expectations, which affect the integrity of police officers and their decision-making processes.
- 3. Judicial Challenges:** Lack of effective trials and justice delivery and the inherent complexities impede proper control of torture within the existing legal framework.
- 4. Technology and Training Needs:** Law enforcement must be equipped with the requisite technological tools. Knowledge enhancement and training for effective and ethical policing.
- 5. Data System and Oversight Mechanism:** The absence of a robust data system within law enforcement must be addressed and a mechanism to scrutinize and investigate police measures needs to be established.

Challenges and Context

- **Instances of Abuse:** Sri Lanka contends with reported cases of abuse, custodial deaths, and human rights violations within law enforcement agencies.
- **Lack of Safeguards:** Insufficient adherence to legal protections, inadequate training, and oversight gaps contribute to perpetuating the issue.
- **Quick Solutions and Infrastructure Gaps:** The pursuit of immediate solutions and deficiencies in infrastructure hinder effective investigative work, exacerbating the problem.

Recommendations and Solutions

1. Legal Reforms and Implementation

- **Strengthening Legal Safeguards:** Rigorous enforcement of existing laws prohibiting torture, emphasizing Article 11 of the Constitution that absolutely prohibits torture.
- **Independent Oversight:** Establishment of mechanisms for independent oversight to prevent and investigate allegations of torture. Strengthening the role of the Independent Police Commission and the Victim and Witness Protection Authority.
- **Promoting Accountability:** Implementation of measures to hold perpetrators of torture accountable, ensuring fair and swift legal proceedings.

2. Professionalism and Training

- **Enhanced Training Programs:** Development of comprehensive training programs for police officers emphasizing ethical conduct, human rights, and modern investigative techniques.
- **Technology Integration:** Investment in technology, including mobile DNA, fingerprints, and body-worn cameras, to aid investigations, minimize abuse, and enhance accountability.

3. Medical Examination and Documentation

- **Independent Medical Assessments:** Ensuring prompt and independent medical examinations for individuals in police custody to detect and document signs of torture or abuse.
- **Forensic Reporting Standards:** Establishment of guidelines for forensic doctors to accurately report instances of torture and provision of necessary infrastructure and training for efficient reporting.

4. Cultural Shift and Community Engagement

- **Cultural Change in Law Enforcement:** Fostering a culture within law enforcement that prioritizes human rights, compassion, and professionalism in interactions with the public.
- **Community Engagement:** Encouraging community involvement and feedback mechanisms to build trust and accountability between law enforcement and citizens.

Conclusion: The policy dialogues held in Sri Lanka have highlighted the critical need to address and prevent police torture. Recommendations encompass legal reforms, professional training, medical examination standards, and cultural shifts within law enforcement. The successful implementation of these recommendations requires a collaborative effort among government agencies, law enforcement bodies, the judiciary, civil society, and human rights organizations. This collective endeavour aims to ensure a police force that upholds human rights while effectively maintaining law and order in Sri Lanka.