

Asian governments need to change policing based on the use of torture

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A Statement by the Asian Human Rights Commission on the occasion of the UN International Day in Support of Torture Victims - June 26, 2010.

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ASIA: Asian governments need to change policing based on the use of torture

As the International Day in Support of Victims of Torture is commemorated on the 26th June the Asian governments need to face up to their failure to honour their obligations to eliminate the use of torture in their countries. The use of torture is endemic in Asia and the reason for this is that the policing systems still use torture as the main method of investigation into crime. The extent to which torture is used is scandalously high and the time to stop it is clearly now.

Policing in many Asian countries is still very cruel, primitive and also inefficient and corrupt. The extent of the governments' failure is reflected in the widespread use of torture and their unwillingness to deal with this problem. The nature of the policing systems is very much linked to the kind of political systems that still prevail in Asia. These political systems have made possible the abuse of power and corruption and the local policing systems are used as instruments to facilitate such abuses and corruption.

The use of torture by the police contributes to prevent the development of democratically based political parties. Internal democracy within the parties is prevented by powerful politicians who aspire to power more for personal gain rather than in the service of any national objectives. Internal forces of repression prevent a healthy competitive spirit through which proper political leadership can emerge within these parties. The ruling parties also use the police as an instrument to suppress other political parties from emerging. In this manner the internal democratic process is seriously disturbed by the use of coercion in favour of a few powerful persons. As a result national institutions, vital to ensuring accountability and transparency, are prevented from being developed.

Bad policing based on the constant use of torture and coercion contributes to violence within societies. The chief beneficiaries of bad policing systems are those engaged in organised crime. In many countries direct links are visible between the police and the organised gangs. The emergence of the underground forces disturbs the peace within society and complaints of insecurity are constantly heard from most of the countries.

The fear of the police has so deepened in society that women openly complain that they will not dare to go to a police station even if they have to face some problems which requires the intervention of the police. The fear of rape and sexual harassment by the police has developed to such an extent

that women in Asian societies openly express the view that the police are a socially unfriendly agency. During the months of May and June of this year the Asian Human Rights Commission interviewed women from several Asian countries and they unanimously expressed the view that policing in their countries has emerged as an agency which has a negative influence on society.

Bad policing with their power to use coercion and the manipulation of their powers of arrest and detention has reached such levels that many societies cannot make any progress towards democracy or rule of law without first dealing with serious police reforms. Radical police reforms remain the primary requirement of social stability and the prevention of violence.

Unfortunately the use of propaganda relating to the elimination of terrorism has also been used in order to further enhance the possibilities of the misuse of police powers. Under the pretext of anti terrorism even the limited achievement relating to the development of rule of law systems have been undermined. Through extensive powers acquired by anti terrorism laws the powers of arrest and detention are being misused in high proportion. Such abuse is accompanied by extrajudicial killings, by either death in custody or through forced disappearances. Serious crimes are being committed in the name of anti terrorism and as a result impunity has become widespread. The citizen is powerless under these circumstances.

Bad policing and abuse of power through anti terrorism laws has become a major threat to the independence of the judiciary. The judiciary in many countries is powerless when investigations are subverted and when the law enforcement agencies themselves engaged in serious crimes. Recent studies show the manner in which even legal remedies like habeas corpus actions have become ineffective in the face of massive violations by law enforcement agencies.

A theory is now gaining ground that the use of overwhelming power is the only solution to terrorism. Sri Lanka's experience in the suppression of the LTTE is now being used as a kind of model or example on how to deal with terrorism. The safeguards developed to protect individual rights are even being ridiculed as impractical or counterproductive. Ideological support for the use of naked power and the justification for impunity is being promoted.

All these tendencies are only contributing to create insecurities in society and for unscrupulous politicians to abuse power for their own purposes.

The Asian Human Rights Commission calls on the societies of all Asian countries to take serious note of this dangerous situation. In recent years civil society organisations themselves have compromised with these negative developments and as a result contributed to this situation. Today civil society is challenged by these threatening developments and it is time that civil society faced up to this challenge.

The elimination of torture-based policing and all kinds of justifications for the unscrupulous use of power need to be stopped. This is the issue that needs to be reflected upon by civil society as well as the governments on the occasion of the International Day in Support of Torture Victims. Unless the negative developments mentioned above are seriously dealt with the number of torture victims will only increase. The Asia Human Rights Commission also calls upon the United Nations and the international community to deal with this situation without ambiguity and delay.

Kindly see the statements by women of several Asian countries who have called for the end of bad policing and the use of torture. These may be seen at:

<http://www.ahrchk.net/statements/search.php?searchstring=women>

P.S.

* About AHRC: The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984.