

Survivors' perspectives: how to stay safe and struggle for justice

Sarah Wangari and Amitha Priyanthi

interviewed by Wangui Kimari, Thiagi Piyadasa and Ermiza Tegal

Abstract: How does one stay safe and protect one's family while fighting for justice? What are the dilemmas of protection when everyday life is a constant struggle against police and state brutality? These are questions addressed in interviews with Sarah Wangari and Amitha Priyanthi from Kenya and Sri Lanka respectively. Both women are survivors, grassroots human rights defenders and community activists, working on the frontline of the fight against torture. They were interviewed here as experts on the question of protection rather than as informants of human rights violations. As the interviews illustrate, the boundary between survivor and experts on protection is hard to draw for Sarah and Amitha. The position and practices of survivor-experts gives them a privileged point of view from which to understand what protective strategies from the point of view of survivors of state and police violence may entail. Human rights organisations would do well to heed their challenges, practices and implicit call for support and recognition if they want to stay relevant for survivors and their families.

Keywords: Torture, survivors, activists, protection, human rights.

Note on the authors: see end of article.

Introduction

How does one stay safe and protect one's family while fighting for justice? What are the dilemmas of protection when everyday life is a constant struggle against police and state brutality? These are questions that the following section will explore through two interviews with Sarah Wangari and Amitha Priyanthi from Kenya and Sri Lanka respectively. Both women are survivors, grassroots human rights defenders and community activists, working on the frontline of the fight against torture. They were interviewed here as experts on the question of protection rather than as informants of human rights violations. As the interviews illustrate, the boundary between survivor and experts on protection is hard to draw for Sarah and Amitha. Their expertise emanates from the experiences as well as from the enormous courage with which they have acted after their experiences and integrated them into their activism. The experiences are not, as we can gauge from the interviews, one-off events. Rather, the violations run through their lives. The position and practices of survivor-experts gives them a privileged point of view from which to understand what protective strategies from the point of view of survivors of state and police violence may entail. This is exactly what this special issue attempts to uncover, explore and recognise. Human rights organisations would do well to heed their challenges, practices and implicit call for support and recognition if they want to stay relevant for survivors and their families.

In the first interview, we hear the voice of Sarah Wangari talking to researcher Wangui Kimari. The interview was conducted in Swahili and translated into English by Wangui Kimari. Sarah Wangari is a grassroots activist and second-generation resident of Mathare, Nairobi, a poor urban settlement east of Nairobi. She is 48 years old, was born in Mathare. She became an activist after her son was the victim of an extra-judicial killing by the police in October 2017. Alex, her son, was 19 years old when he was shot by the police at around 10 pm on his way back home from work—fetching water for residents. She continues her quest for justice for herself and other families who have been bereaved in the same way. She is also a key member of the Mothers of Victims and Survivors Network, a group formed by family members, mostly mothers and wives, who have lost their kin through police brutality. We asked her if she wanted to remain anonymous, given the threats often posed by the Kenyan police. However, Sarah is adamant that we should publish her name and not anonymise her because, as she says, 'if we are not open and courageous, how will we get justice?' In the interview, Sarah describes the extent of police violence, intimidation and attitudes to law enforcement in her community. She relates personal experiences, including those involving assistance provided by state and non-state actors, her own efforts to provide support to victims of police brutality and their families, and her determination to use dialogue to change law enforcement and stop the use of lethal police force.

In the second interview, Amitha Priyanthi speaks to Thiagi Piyadasa and Ermiza Tegal. Amitha Priyanthi is a human rights defender based in the Southern Province of Sri Lanka, where she lives with her husband. Amitha is 55 years old. She is among seven siblings of a Sinhala Buddhist family. Her father was a farmer and her mother's family owned a general store in her village. Her journey began with a personal experience of torture and the death of her brother. At the time of her brother's death Amitha was reading for an external arts degree. She was unable to complete the degree because of the time, energy and emotional resources that went into caring for her family, and the effort to hold those who tortured and killed her brother responsible. For over two decades, Amitha has worked in her local community supporting victim-survivors of torture and their families. She has worked closely with local human rights organisations, such as Janasansadaya in Panadura, and currently with Right to Life, Colombo. Both organisations work primarily on addressing torture in Sri Lanka. Amitha provides extensive support, guidance and advice to survivors of torture and their families. Her indefatigable activism, determination and depth of compassion is visible in her interventions, and to many survivors and their families her contribution is invaluable. Amitha is currently the convenor of the Citizen's Forum for Justice, a national forum for survivors of torture. In the interview, Amitha speaks about torture in Sri Lanka, her views on torture in Sri Lanka and describes the protection mechanisms available by state and non-state actors, and the challenges she faces in seeking protection for survivors and their families, including her own.

Sarah Wangari: 'We have a right to live'

Background and motivation for joining the Mothers of Victims and Survivors Network

My parents moved here from Murang'a in 1965. They had eight children and now I am the only one left, along with my sisters' children. Now, my parents are dead, and I have also lost one of my two children, who was killed by the police.

The pain I felt when my child was killed was what motivated me to become a grassroots defender. I wanted to fight for other parents who are suffering because they have lost their children to police violence. I wanted to become a defender, so that together we can seek justice for the youths who are being killed. It is against basic human rights for children to be killed. They should be arrested and taken to a police station.

I volunteer for the Mothers of Victims and Survivors Network [affiliated to Mathare Social Justice Centre]. When a child is killed [like mine], I feel that the mother has been left with a vast emptiness; her child, who would have helped her, has died. I try to visit the parents whose children have been killed, to give them some form of counselling. I also tell them we should come together and fight for justice so that the police will stop killing our children.

Challenges faced in the struggle to prevent police brutality

The challenges I face in my work as a grassroots defender are that sometimes, even after joining forces with the women from the Mothers of Victims and Survivors Network, you can find yourself being threatened by the police. They tell you what you are doing is not right, and that you should not attack the police. But I tell them that everyone has the right to fight for justice. So, I am not afraid, because I am not committing a crime: I am standing up for those who have been killed and explaining to the mothers who have lost their children that everyone has a right to live; that their children also have a right to live, and that we should demonstrate solidarity and work together.

I have been threatened but stood my ground. I know my rights, so I came out and faced them, which shocked them. I told them to stop threatening me because I had done nothing wrong. I am fighting for the rights of my child and all the other children who have been killed. I tell them that is not a crime. I must exercise the right to fight for the rights of my child.

Forms and prevalence of torture

The torture that people endure here in Mathare is, for example, when police find our youths seated quietly somewhere and beat them for no reason. When youths are doing their work, such as planting grass, they are accused of making a ‘base’ [a hangout spot for youths where they are accused of ‘idling’ or ‘conspiring’]. Sometimes youths try to use their talents, for example, by starting a football team or a dance troupe, and even then, the police come and disperse them. They tell them they should not have a *base*, that ten youths or more should not congregate. They beat them up, harass them and threaten them, and the youths are afraid. Once their faces are noted or their photos have been taken, then afterwards they are killed.

A stark chronology of victimisation

Since I became a defender, I feel the level of victimisation has decreased. That is because before, the police were killing a lot, but when we began protesting, with slogans such as ‘no shooting’, ‘stop killing’ and ‘justice’, the number of killings decreased. Recently, however, the killings have started again. And now they are killing twice as many. It is as if they are furious with us for protesting.

Youths are the main victims of the attacks. Yet, we, as parents, are also affected, because when a youth is killed, people become extremely incensed and there are protests, during which our businesses are damaged, women’s businesses are damaged, there are criminal acts such as looting, and vehicles are damaged. As a result, many individuals are injured by the police, in addition to the killing.

Violence avoidance tactics

Since the youths are afraid, even if you try to send a youth to the shops at night, they refuse to go and that is how they protect themselves. Youths are unable to enjoy themselves because they fear they may run into the police. Boys refuse to leave the house or they return home early. By 9:00 pm, you won't find any youths walking around in Mathare. It is as if a curfew has been imposed: 'No youths on the streets after 11:00 pm'. If a young man's child falls ill at night, he cannot leave the house. He has to find a woman to send to the shop. Life in Mathare is very bad.

Retaliating through human rights organisations—and potential reprisals

People are afraid to join organisations such as Mathare Social Justice Centre (MSJC) and engage in work connected with justice because if they do, the police start trailing them. When my child was killed, I asked myself, 'If my child can be killed, who am I to the police [what is the value of my life]?' and I became strong. My child's spirit makes me strong even when I am threatened by the police. I am able to face the police and tell them that what they are doing is not right.

Reporting mechanisms—delays and cases pending

People can report violations to MSJC or at the police station if they have anything to report here in Mathare. If they are afraid of the justice centres, they go and file a report with the police. But when they report crimes to the police, their statements are not followed up. They reach the Occurrence Book (OB) and end there. Afterwards, [the complainants] realise, for example, regarding a report filed at Pangani Police Station, that they have no assistance. Then they come and join a justice centre in order to obtain help, to pursue the rights of their child, or whatever violation has happened here in Mathare. Recently, some women asked me how they can pursue the rights of their children who had been killed. That was not related to police killings but was a case of youths killing each other. They wanted to know if IPOA [the Independent Policing Oversight Authority] and the justice centre can get involved in such cases and help them.

Apart from organisations such as MSJC, or maybe the police, some other organisations also follow up on minor cases, or sometimes even major cases. People go to the Chairlady of Mathare [an informal leadership role in Mathare wards], or Nyumba Kumi [a community policing formation]. But these organisations are linked to the police. You can tell them your problem to get help, but they work with the police. So your case never makes any progress. It just remains pending. Consequently, many people turn to justice

centres. When you go to a justice centre like Mathare Social Justice Centre (MSJC), your case is followed up. No matter how long it takes, even if it takes ten years.

Court proceedings—the route to justice?

In an effort to find justice, I, and other women as well, went to Mathare Social Justice Centre (MSJC) because we wanted to stand up for our children's rights. We don't expect compensation from the police because our child was killed. We want justice to be done; the police officer to be imprisoned as a lesson to other police officers.

Another woman, Nura's mother [Halima Malicha], was forced to leave Nairobi ... But no, I am not afraid. My child was killed at a place I see every time I leave my house. Also the manner in which my child was killed ... And my child is not alone. I have seen many parents crying like me. That is why you see me relying on my strength. I say 'solidarity' and I say 'comrade'—I don't fear anything in the least.

I took my case, including the OB report and my child's post mortem to IPOA. They phoned me a short while ago and said they are still continuing with the case investigations, and that they would call me again.

I first approached IPOA in 2019, two years ago, when we were taken there by Victor's mother [Mama Victor—another mother, who lost two children to police killings on the same day].

And yes, I trust them.

Supporting survivors and families who experience police violence

I am not afraid, but I protect myself by not going out. I don't go out at night. I avoid moving around from place to place. I settle in one place and continue with my business. But what provokes me is hearing a boy has been killed somewhere. I go there immediately, and I want to know what happened—was the boy in the wrong or was it the police? I get really upset when a boy is killed, because the boy had a right to be arrested and taken to the police station. What I am saying is that the police should stop killing boys. We, as grassroots activists, are telling the police to leave our youths alone, stop killing our children. I feel really furious when the police take the lives of our children.

The Mothers of Victims and Survivors Network, religious organisations and other potential national and international sources of support

I have come a long way with the Mothers of Victims and Survivors Network. The organisation has motivated me, and I have stopped crying all the time. But now what

really hits hard is when I hear another boy has been killed, the pain is ten times worse when I think of the boy's mother going through the same challenges I endured. When I remembered my own son, I used to take alcohol and use drugs. But I had to stop because, as an activist, we are constantly getting phone calls, we have meetings, so there is no time for drinking.

I also go to church and yes, it has helped me in the sense that I received counselling and stopped drinking and using drugs. I had to go to church so that I wouldn't go back to using drugs whenever I remembered my child. The people at church tell me it is good for me to defend other mothers. They help me to find peace by helping me to forget my child and not to keep remembering him.

What I can say is, besides the work we do in our communities, countries such as America and China should come together to ensure that justice continues, and there is justice everywhere. Justice should be foremost, and all countries should have justice. Uganda, America, everywhere.

Here in Mathare, to achieve justice and for the killings to decrease or cease altogether, our president should intervene. Because even as we cry that our children are being killed, we have never heard our president speak out. He should say, 'These people have cried enough. These killings should stop'.

Fear of pursuing legal action

People are afraid to file reports because even when they do, they receive no help. Our government has become useless. For example, if you report to the police that your child was raped, the police will ask, 'Where were you?' Or if a woman is bleeding from injuries and reports that she has been beaten by her husband, the police will accuse her of denying her husband his conjugal rights. So, you find yourself receiving more injuries and insults. That is why, here in Mathare, people kill each other, because even if a victim is slashed and reports the incident, nothing is done to the perpetrator. So the perpetrator knows even if the case goes forward, it will simply fizzle out.

Changing police attitudes through activism

Here in Mathare, we should make sure there is more activism, and more work carried out by justice centres. We should gather the youth of Mathare and the police, sit down together and discuss why our youths are being killed. Also, the issue of drugs is contributing to our youths being killed. We also need to ask the government to eliminate the drug problem here in the ghetto. And the government should also change because it is largely at fault. It ignores and despises us here in Mathare. I don't know how they view us. Children in affluent areas such as Runda are not shot, and yet they are also

involved in criminal activities. Recently, two boys were killed here in Mathare. On the day they were killed, I didn't see the same process taking place as in the case of the two boys who were killed in Meru. In Mathare, our youths are viewed as garbage; when someone is killed, the police come, shoot in the air, disperse people, then the deceased is thrown into a vehicle and taken to City Mortuary. But the police never ask why the youth was killed by police, what did he do? What crime did he commit? No. In the case that I was telling you about, recently, a young man was wearing a blanket and was coming from Garissa on a motorcycle. There were two youths, and they were shot dead. The police did not ask what the youths had done. The police really look down on us here in Mathare, and they ignore us. I don't know what sort of life they think we live. For example, recently, they came here to Mathare and found a youth who had been beaten and slashed with a machete. Instead of asking what had happened, they just commented that he was bleeding like a chicken. And that is human blood. They should stop acting that way, and they should stop looking down on us. Justice centres will fight for us. The police should start with their own children so they will know the pain we feel. The day one police officer starts with his own child, killing will stop because they will know how we feel.

Amitha Priyanthi: Navigating a broken system, the experiences of a human rights defender in Sri Lanka

On becoming a human rights defender and supporting survivors and families who experience torture

When I worked on my brother's case, I met other people who had been subjected to police brutality. I also came across other cases where people had died due to torture. I never intended to be an activist and, at first, I simply helped people in any way that I could. Mostly by sharing my own experiences and knowledge about what to do and what to expect. As I helped people, I realised that this was a fairly common problem. Until my family experienced it, I did not realise that torture could happen to anyone.

I usually receive calls from people at the time their husband or brother is being beaten or just after the incident. I immediately help them to report the incident in writing to the respective authorities, and call either the police headquarters or the Human Rights Commission hotline. Sometimes, interventions by higher officials have been successful in stopping the violence. It is a huge relief to the survivors and their families when we are able to stop the violence. I am very happy when I am able to prevent any further violence.

In my experience, survivors and families have many difficulties after they experience an incident of torture and are seeking advice. Sometimes lawyers wrongly advise them, even suggesting that they plead guilty to false charges against them. Sometimes,

various individuals intimidate them by trying to scare them into withdrawing complaints they have lodged or compelling them to 'settle' a complaint so that the complaint is not further investigated. Sometimes individuals get scared and lose courage. I have found that I can help them to regain their courage and move forward. When I intervene, I realise that my experience and knowledge are useful to them. I have learnt a lot through my experiences, especially about the law. I have met and worked with many human rights activists and lawyers. I observed how they responded to various situations. I have gained valuable experience and insights.

Forms and patterns of torture

Before, police would use batons and poles to hit people; they would handcuff people and suspend them or they would use a cigarette or some other object to burn survivors. In these cases, there are visible wounds that are often noted in medico-legal reports, and because of this, it has been possible to prove torture. Now, police have found new methods that do not leave visible or external injuries. This includes hitting the bottom of the feet; placing thick books on the head and hitting the individual; tying string onto fingertips and suspending the individual. These methods do not leave much visible injury but survivors experience severe pain and nerve damage. Police also use the '*dharmachakra*' method where the survivor's hands and feet are spread out and tied onto a wheel which is then made to spin. Police also use chilli powder on genitals and eyes; force individuals to breath from a bag doused in petrol; hold a water hose on victims' faces and other similarly severe forms of torture that people cannot bear. In addition, some survivors are made to strip naked, and are spoken to in foul language. I have heard of cases of torture even in prisons. Some schoolteachers have also subjected children to similar forms of punishment. With time, perpetrators find new ways to torture, simply to avoid leaving any evidence. Many of these new forms of torture leave no external trace and therefore many medical examinations also make no mention of these forms of torture.

Vulnerability to torture

Very rich or affluent classes do not experience torture. If they do, it seems very rare. People who are politically powerful or influential do not appear to experience torture. Those who are educated and qualified are also less likely to experience torture. In my experience, youths who do not do well in their secondary level education, who are engaged in casual labour such as selling fish or vegetables for a living—they are more likely to experience torture. Only very academically gifted children are supported by the education system. Those who do not excel academically quickly become

marginalised. These youths become targets of those who promote social vices—consumption of alcohol and drugs, and those who maintain political cronyism. These young people are seen in a particular way—as *rasthiyathukarayo* (loosely translated as a ‘jobless person’ or ‘loiterer’) or ruffians, and society expects the worst from them.

Those who engage in organised crimes involving drugs, or underworld figures, also do not experience torture. Torture and police brutality are closely associated with corruption. There may be situations where they are shot, but very rarely are they subjected to torture. Very often, it is the powerless, those who belong to low-income groups or daily wage earners who are subjected to torture. Frequently, police are in a rush to produce a suspect. They are not interested in solving crimes, they simply want to produce someone—regardless of whether there is any evidence. The individual is tortured to obtain a confession and is produced as the suspect in a criminal case.

Challenges in supporting survivors of torture

In cases of torture, initially, those who experience torture need a lot of support. Mainly to recover and re-establish their lives. They need support to regain livelihoods or generate income, emotional support, medical assistance, and socialisation. It takes some effort to bring them back to the position they were in before the incident. Even if we identify their needs, we do not have sufficient resources to provide for those needs. For example, we have been unable to support litigation costs, or to refer to counseling—so few organisations provide such help. Providing safety and protection, especially if survivors are facing many threats, is a challenge for us. Some cannot afford transport to travel to court. Some have nothing to eat all day. Sometimes, there is no proper place to meet, discuss matters and support them, psychologically—to build their morale. There have been times when the survivors become frustrated with me because they are unable to find justice.

Finding legal support can be a challenge. When false allegations and cases are filed against survivors, they require legal support. Instead, they are treated as criminals. This has caused some to ask me to help them find a ‘good lawyer’. There are not many to recommend. Sometimes local lawyers have close relationships with the police, or do not accept cases against the police. Several times, lawyers have advised clients to plead guilty and ‘solve’ the matter. People ask for lawyers who will defend their interests without judging them. People do not trust lawyers who have close links with police.

Survivors fear seeking medical attention. Police threaten them about seeking any treatment at hospital or even visit the survivor in hospital. As activists, we refer them for medical assistance. Sometimes people are unaware that they can go to a hospital in another location. They are scared to go to the local hospital because they fear the police may have friends or influence at the hospital and that they may be harassed.

Support for mental and emotional impact is also extremely important. Very often, survivors are reluctant to seek help for themselves. Sometimes this is due to not realising

that they need psychological help. Some tend to just continue their work as usual, and do not have the time to think about this. I know survivors who have later needed help.

How do people protect themselves?

When police come looking for people, for whatever reason, many get scared because regardless of the complaint, they fear they will be subjected to violence. Therefore, at the first indication of police looking for someone, people will activate all social networks, including any political networks to try and avoid being arrested. Some may try to flee from their hometown or village. Some may try to speak to the police and try to negotiate a settlement. Some, if suspected of some petty theft, even if they are completely innocent, plead guilty simply to avoid torture. Some promise to replace the stolen item even if they are innocent. Many survivors come seeking some assistance. Even though we assist them with lodging complaints, many withdraw them during the course of the case, due to intimidation and threats.

People seek out protection from the Buddhist monk at their temple, or some influential person in their village. Some even contact individuals who are involved in crime, who have close links with police, in an effort to influence the police to back down. There are instances where survivors offered money to the police for protection.

Support from families of survivors of torture, especially women

Very often, mothers come forward to support the survivor, sometimes the father or the siblings. Many relatives do not get involved for fear that their family or children might be harmed. Community members are also hesitant to get involved but there are also people who find torture to be wrong and who will provide support in some way. But in practice, other than your closest family, it is very rare for others to come forward to help.

Generally, women come forward if the incident involves her husband or son. They may feel there is less threat to women compared to men. Women have shown a lot of strength and determination compared to men in the fight for justice. Cases where women have taken an interest in pursuing matters have gone further because women are less influenced by the various attempts to settle the matter or deter the survivor. It may also be because women have more capacity to bear challenges.

Reporting torture

Survivors want justice. They know that injustice has taken place. Parents tend to recognise that their child continues to experience trauma after torture. But they always ask me if they will face problems and threats if they make a formal complaint. They are

worried that if they report torture, they may not get bail or may be further harassed. This is because there is no faith in the law in our society. Very often, in the initial stages, they are very keen to take action and complain about the torture, however for several reasons their interest fades as time passes. Sometimes even lawyers discourage families from reporting an incident of torture and advise them to just focus on the more immediate concern of getting bail. There are times survivors have been dissatisfied with a court's inaction to their complaints of torture. In many cases police tend to influence survivors through third parties, and apply pressure to withdraw cases. All these factors bear down on the individual. If the survivor engages in an illegal activity, they tend to not report any torture because they feel it will hinder their illegal activity. It becomes a trade off with the police. This is very rare, but there are cases.

Many survivors complain to the Human Rights Commission. When they hear the words 'human rights' they believe that it is an institution that will prioritise their interests. They hope there will be some protection and essentially want some pressure to be applied on the perpetrators—to cause a sense of fear. They sometimes harbour hopes of justice or a reasonable remedy, perhaps even some compensation.

Some make complaints to the police headquarters and the Inspector General of Police in the hope that the police will take quick disciplinary measures to suspend, transfer or even arrest the relevant police officer. They complain to higher officials, believing that they may get some justice. People have high hopes when they report violence. They believe some action will be taken in their favour. When nothing is done, when police officers continue to work in their post, are not transferred, are not arrested or questioned, survivors who see this lose faith in the system. They think twice before reporting anything further. It affects survivors psychologically if nothing transpires from the complaints and cases even after many years, because they feel they have been let down many times. The very experience of pursuing justice is very hard on the survivor, so when they do not see any justice or remedy, it is very difficult to bear. I am now not surprised when survivors withdraw fundamental rights cases. I sympathise with the plight of survivors. I help them to stay strong, hoping that they will pursue their justice and hopefully one day get it.

I explain this system to every survivor—the court delays, the HRC and related process, and the fact that public officials have a duty to us because they are paid by taxpayers' money. I explain that though this is one case, we (as survivors) need to fight back to change the system and ensure that others do not experience this violence. There have been some survivors who, despite numerous opportunities to settle, have chosen to continue with their case because they were fighting for justice. Others who have some political support and are accustomed to seeking support from those in power, tend to view pursuing complaints as too cumbersome.

Dealing with threats and undue influence

We need to swiftly report the threats that we experience. We should report them as they are happening. If there is an ongoing case, we should report any threat immediately to court. We shouldn't even wait a week. When you report swiftly, the other offending party will be concerned and more cautious in their actions. They will feel that they are being watched. In one of our ongoing court cases, the judge had warned the perpetrator and said that if any further complaints of threats were reported, his bail would be withdrawn, and he would be remanded until the conclusion of the case. When perpetrators see the law being applied, they think twice.

Challenges in relation to reporting torture and working with formal mechanisms

The Human Rights Commission, the Supreme Court, or even the Attorney General's Department—for criminal matters, all these processes take a long time, and a lot of money. For many people, time is precious. It is difficult for people to give so much time. Some cases can take up to 20–25 years. Survivors and their families are not able to hold on for so long. Due to inordinate delays in many cases, survivors are unable to get any justice. Evidence is destroyed, witnesses pass away, or they face other economic and social issues. If the survivor is a child, the case sometimes continues until adulthood. Our biggest challenge is to conclude these matters within a reasonable time. For some cases, time periods have been stipulated in the law but in practice they are not adhered to. A Supreme Court case can take up to between eight and 10 years. Criminal cases can take up to 15–20 years. This delay is a significant challenge to our goal of addressing torture as a public issue. If these cases can be concluded within a few months or at least within two years of the incident, then that will send a clear message to society about how torture will not be tolerated. People will know that there is a punishment, and that you can face a prison sentence. After 20 years, everyone has forgotten about the incident and the case becomes insignificant. There is no justice for the survivor, and because of delays, many perpetrators are able to escape the law.

Protection by state machinery

The state machinery provides no protection. In 2018, my bag with important court documents relating to a torture case was snatched, and even though I complained to the Victim and Witness Protection Authority, there was no response. They do not know if I am alive or dead. There is a lot that they can do but they have done nothing. In a case where the survivor was kept in police custody for six days and beaten every day, I called the authorities daily, complained about the incident and begged them to

take action. Finally, a lawyer (woman) had to go to the police for the beatings to stop. That man could have died.

Comparatively, NGOs do much more. When people cannot continue to live in their homes, there are NGOs who provide protection and shelter. NGOs speak to neighbours and encourage people to support survivors. I have personally facilitated safe houses for many survivors. No state institution has ever gone to villages to speak up for survivors. Even within civil society, though, there are some who, despite having the capacity to support, choose not to. NGOs and human rights defenders working in those NGOs ought to understand that protection and assistance, in the first instance, are survivors' top priority. Providing protection to survivors requires a collective effort. We need better coordination even among NGOs. Each case is different. It depends on where survivors live, their social contexts and their family situation. In my own case, there were many who supported us. We had the support of the majority in our village. People in the village were very concerned about the safety of my family. Essentially, we had the protection of our village. But not everyone has that. There is a belief in our society that police only beat thieves and criminals. Because of this belief, many survivors are isolated.

Organisations and individuals most helpful in providing support and protection to torture survivors

With regard to the Human Rights Commission, I have built a relationship with it over time and it has been helpful. Human rights organisations like Right to Life and *Janasansadaya* have supported survivors mainly to pursue legal cases. However, there are only a handful of such human rights organisations. Providing protection to survivors requires many different people including doctors. This is difficult to secure as many influential people, either politically, socially or economically, tend to support the perpetrator and not the victim.

There are certain lawyers, senior and junior lawyers, who regularly help us, sometimes on a pro bono basis or for reduced fees. Some continue to help us even if they have left Sri Lanka. They have been helpful in many cases. There are a few media personnel who help us to highlight certain cases. Sometimes, there is protection in making your case public. But only very few journalists highlight issues of systemic torture. If someone with high social standing is affected, there is more media coverage compared to someone with lower social standing. When a politician's son and law student was beaten by the police, there were many who publicly called it out. There is no one to do so if police beat a village youth. The general idea in society is that violence is necessary. There is acceptance of police violence and a belief that unless you use

violence, you cannot reform the country—that mindset prevents society from coming together to support torture survivors.

There are also some government officers and police officers who were helpful. I remember when I used to travel to Colombo for my brother's case. There was a court sergeant who was very helpful, who would recognise me because I attended court regularly. If I arrived late, he would listen out for my case and inform me that the case was rescheduled for another date, or inform me if there was some other development. He was kind, not just to me, but also to many others who were helpless and had little knowledge of the court system. I have seen him checking the daybook in court and informing parties of the next date.¹ Similarly, there are some retired police officers who boldly express their views against police violence.

I have seen many instances in which members of the clergy have supported the police. I have also come across some Buddhist priests who have gone out of their way to help survivors by providing all three meals when individuals were in police custody, providing affidavits to confirm what they witnessed in a particular case, by visiting the survivors at home and generally looking out for their wellbeing. But the majority do not condone taking action against the torture. In fact, very often members of the clergy also advise survivors to settle cases.

Protecting survivors of torture

The system is broken and must change. Corruption is rife and insufficient resources are directed to essential services and institutions. We need a strong social discourse against torture. I will continue to fight for justice and am grateful for the exposure that I have received, I cannot put a price on that. But, the long delays in achieving justice are overwhelming. Survivors need all the support they can get. They feel lonely and isolated. If they feel there are others to support them, they get some courage to stand up against the injustice. Civil society organisations need to be more transparent about their work, what they can offer and how they can help, and they also need better systems and larger networks to really address the issues faced by survivors.

It is imperative to raise awareness among youths about the system so that they can be alert to the realities before them. We have a duty to protect and inform the youth in our communities. My personal experience of torture of a family member opened my eyes to the fact that people are routinely subjected to torture by the police, and that pursuing court cases is immensely difficult. My own experiences have given me a

¹ In Sri Lanka, it is not unusual for a litigant, particularly in a criminal case, to miss a court date, or even while being in court not hear announcing of the next court date. In such instances, these persons usually need to check with the court registry as to when the case would be called next. This can be time consuming. It is in this context that the court sergeant's kindness is particularly noteworthy.

good sense of what institutions can do, how they operate, what they value, what their limitations are and how to navigate them. If I hadn't experienced this, I would also be as ignorant as many others. If I did not try to pursue complaints, I would not be able to assess the system and the people who are supposed to help survivors. My own family's suffering opened our eyes to what is actually taking place in this country. Many may have a rosy impression of the world. They believe that the system works—that the police and courts are working to protect them. It is not true, and to change it, we need to acknowledge that it is not working.

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To cite the article: Wangari, S. & Priyanthi, A. (2022), 'Survivors' perspectives: how to stay safe and struggle for justice', *Journal of the British Academy*, 10(s3): 21–36.
<https://doi.org/10.5871/jba/010s3.021>

Journal of the British Academy (ISSN 2052–7217) is published by
The British Academy, 10–11 Carlton House Terrace, London, SW1Y 5AH
www.thebritishacademy.ac.uk