

## SRI LANKA

### A rapid downhill course

#### Main Issues

- Culture of impunity
- Emergency regulations and media restrictions
- Government and military intimidation
- National media policy

The past 12 months have seen a continuing deterioration in the relationship between Sri Lanka's state and civil society actors, including the media. The intensification of the ongoing conflict as the Government withdrew from a ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE) in January 2008 and the continuing erosion of democratic practices throughout the island have created an environment that is conducive to violence, the violation of human rights, impunity and corruption.

Verbal and physical attacks, harassment, restrictions on access and vilification of media personnel have become a common feature in the lives of journalists, photographers and all those engaged in the gathering, publication and dissemination of information in Sri Lanka.

The lackadaisical approach of law enforcement agencies toward complaints made by media personnel about attacks

and harassment has enhanced the culture of impunity for attacks on the media community. No progress has been made in any investigations into killings of journalists that have occurred during the period under review. In addition, media personnel have filed complaints of being summoned to several provincial police stations for interrogation about the content of their news reports. These interrogations amount to intimidation and interference with the right of journalists and media workers to engage in their profession.

#### Emergency regulations

A range of emergency regulations has been promulgated that restrict access to conflict-affected areas for civil society actors, including humanitarian agencies and the media. The regulations enable arbitrary arrest and detention, and control dissemination of information considered to be contrary to the interests of national security. They have been used in the following ways:

- To detain journalists, as seen in the case of six media workers linked to the website outreachsl.com in early March 2008.
- To force the closure of newspapers such as *Maubima* and radio/television stations, such as those run by ABC radio.
- To prevent journalists and media workers from carrying out their profession, as in the case of two French journalists who were detained while trying to follow the story of the family of a young Tamil detainee.



**Ministerial misconduct:** Labour Minister Mervyn Silva abused media personnel in front of a leading prelate and ejected them from a function in Kelaniya on April 10, 2008. Photo: Courtesy of Free Media Movement.

Access to areas of the country's north and east where the military conflict is ongoing is extremely restricted, and the state-created Media Centre for National Security (MCNS) has a monopoly on official information regarding the conflict. As a consequence of these restrictions, members of the media remain unable to provide an accurate picture of the conflict to their viewers and readers, and the people of Sri Lanka are deprived of their right to know exactly what kind of war is being carried out against the people of the north and east in the cause, supposedly, of their security.

### Widespread intimidation

Restrictions on journalists and media institutions are coupled with systematic and regular attacks on non-governmental organisations (NGOs) and on individual members of civil society, including those engaged in media freedom issues. The Parliamentary Select Committee on NGOs continues to summon key officials of NGOs in order to inquire into the nature and scope of their activities and their funding portfolios. Several groups that use media strategies as a part of their program activities have been subject to strict scrutiny. While there are objections to the idea of being subject to scrutiny in the interests of accountability and transparency, human rights groups question the politicisation of the process, for example, in the selection of the NGOs that are called in for investigation. In addition, extremist groups have launched a relentless attack on all those who speak up for human rights and justice in Sri Lanka, including those who advocate media freedom. Young Asia (YA) TV is one television production company that has been subject to harassment in this manner.

In terms of media freedom, it is a matter of particular concern that government officials and politicians – including the President, Mahinda Rajapaksa, not to mention the government spokesman and the Minister of Information and Media – have at various times made speeches that have indiscriminately attacked journalists and media organisations. This is despite rhetorical commitments to media freedom and to ethical media practices.

In the period immediately before the year under review, the Sinhala weekly *Maubima* (Motherland) was forced to close in March 2007 after public criticism from the President regarding the paper's coverage of the situation in the north and east. The publisher and others involved with Standard Newspapers Private Ltd., the company that printed and published *Maubima*, were detained and their accounts frozen on the basis of accusations that they were involved in supporting terrorist activity.

Soon after, in April 2007, controversy erupted around an incident in which the Secretary of Defence, Public Security, Law and Order, Gotabhaya Rajapaksa, the President's brother, phoned the editor of the *Daily Mirror*. He used violent and obscene language to register a protest



**Media stalked:** Lal Hemantha Mawalage a producer in the news division of the SLRC was hospitalised after attackers cut him with a sharp knife on January 25, 2008. The incident is believed to be related to the Mervyn Silva-SLRC confrontation. Photo: Courtesy of Free Media Movement, Sri Lanka

against the newspaper and the journalist responsible for a report on the plight of internally displaced people in Mutur, in the country's east.

Attacks on defence columnist Iqbal Athas followed the same pattern. Athas, of *The Sunday Times*, had been afforded personal security following attacks against him in

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2004, but the Government withdrew the protection in September 2007 on the grounds that Athas was no longer threatened. Responding to protests regarding the withdrawal of the security for Athas, MCNS spokesman Keheliya Rambukwella declared that anyone who criticised the army at that juncture could be considered to be a traitor since he or she was undermining the morale

of the security forces. This opinion was reiterated by military spokesman Brigadier Udaya Nanayakkara.

Since the end of December 2007, there has been constant controversy surrounding the state-owned television station, Sri Lanka Rupavahini Corporation (SLRC). The violence that erupted within the premises of the SLRC on December 27 following a visit by Labour Minister Mervyn Silva, developed into a campaign of intimidation and violence against employees of the SLRC, some of whom were present during the altercation between the Minister, his bodyguards and SLRC staff. The Government's failure to take any disciplinary measures against the Minister has further contributed to an erosion of faith in the democratic system in Sri Lanka.

The conflict that erupted between media organisations and the State over the December attacks on the Voice of Tigers radio station, owned and operated by the Liberation Tigers of Tamil Eelam (LTTE) in the north of Sri Lanka, also indicates the level of mistrust and lack of respect for the media and for media personnel that prevails in the

country. Several statements were issued by media freedom organisations in Sri Lanka and outside, including by the head of UNESCO, condemning the deaths of Voice of Tigers workers during the air attacks on the station. Media and Information Minister Anura Priyadarshana Yapa challenged these sentiments on the grounds that none of those killed in the attacks had been issued with a media identity card from his ministry and therefore could not be considered to be media personnel. According to the ministry's figures, using this criterion, only one journalist was killed in Sri Lanka in 2006-07.

### Policy and legal frameworks

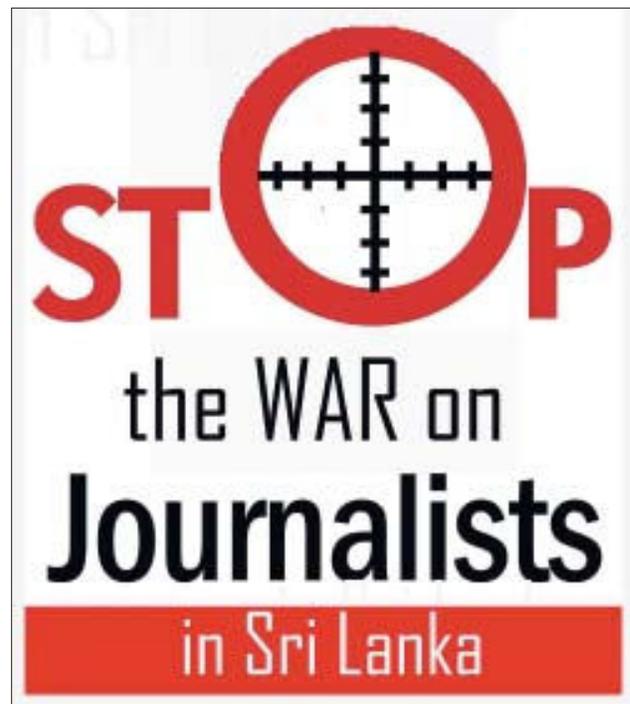
Despite repeated promises by the State to come out with a media policy, no concrete proposal had emerged by March 2008. Instead, representatives and spokespersons for the government have constantly declared that they would impose further restrictions on media personnel if the media continued to be critical of the Government, and of the conflict. At one point there was a serious attempt to reinstate the criminal defamation laws that had been withdrawn in 2002. However, the widespread outcry against this measure, locally and internationally, seemed to influence the Government to reconsider this option.

Similarly, on October 29, 2007, the President signed a Gazette Notification of Emergency Regulations that would have limited the publication of almost all information relating to the conflict, covering troop movements, military operations and military requisitions. Once again, these regulations were withdrawn on November 1 as hastily as they had been promulgated. However, strict controls on the media were imposed through the emergency regulations promulgated in December 2007, which broadly encompass all activities that could be construed to have an impact on national security, and which extended the scope of criminal liability to executive officers of corporate bodies.

On August 22, 2007, the Ministry of Mass Media and Information released a document entitled *Proposed National Media Policy* for public consultations. In early March 2008, Minister Yapa said the Government had prepared a media policy with the assistance of 22 experts and extensive research, but he refused to divulge details of the policy.

The draft policy document contained, for the most part, standards for the media rather than policy directions. As such, it was very clear that the Government intended to establish its own framework for the media.

In September 2007, the IFJ joined nine journalists' organisations in Sri Lanka – including the Free Media Movement (FMM), the Sri Lanka Working Journalists' Association (SLWJA), the Federation of Media Employees' Trade Unions (FMETU), the Editors' Guild and the



**Global call for action:** The International Federation of Journalists has initiated an international campaign to Stop the War on Journalists in Sri Lanka. Photo: Courtesy of Free Media Movement, Sri Lanka

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Sri Lanka Press Institute (SLPI) – to submit recommendations to the Government for the development of a national media policy. The recommendations included the following: enacting a right to information law; transforming state-controlled media into genuine public service media; amending the Contempt of Court Act along the lines of similar laws in democratic countries; and

amending the Parliamentary (Powers and Privileges) Act.

While the President has on previous occasions, referred to the Media Ministry's initiative to create a media policy for the nation that would be a framework for depoliticising the state-

owned media institutions, the reality is quite different. In addition, the much-hoped for right to information law remains outside the realm of possibility at this moment.

Although a pension scheme for media personnel was formally approved in 2006 with the passing of the Social Security Benefits Scheme for Media Personnel Act, implementation has been held up due to lack of funds allocated from the Treasury, as well as delays in drawing up a pension scheme that would meet the needs of media personnel.