

Media Freedom Rights Monitoring Report

'Media Freedom Rights Monitor' Monthly Report is the first in a series of monthly reports that the Free Media Movement expects to issue monthly from January 2021. This report includes a brief observation and the incidents during the month that had an impact on media freedom.

The Free Media Movement also hopes to release an annual report on Media Freedom Rights Monitor, providing a detailed analysis of the various factors that have influenced media freedom. The inaugural report, which is the 2020 Annual Report, will be released on May 3, 2021, coinciding with World Press Freedom Day.

Previous publications on Media Freedom initiatives by civil society organizations, including the Free Media movement, local and international court decisions and indicators outlined in the Universal Declaration of Human Rights and Media Freedom, have been used in compiling this report.

Since your feedback will be vital for this endeavour's success and improvement, I request you to send your feedback to the following e-mail address on behalf of the Free Media Movement.

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Seetha Ranjane
Convener

Introduction:

The opinions and sentiments expressed regarding the challenges to democracy posed by the 20th Amendment to the Constitution, passed in Parliament on October 22 2020, flowed into January 2021. There was scepticism among media activists as to how the 20th Amendment would indirectly affect the freedom of speech and expression with the President, holding the authority to appoint members to independent commissions and appoint senior officials, including judges. The dangers of this situation were published through the media. January opens up in the backdrop of this environment.

Three major trends that should attract the attention of media activists pertaining to media freedom and rights could be observed in January.

1. The implementation of the Prevention of Terrorism Act and the ICCPR Act by the State against social media users.
2. The inclination among some journalists who are subjected to intimidation and harassment to agree

to settle their disputes under political duress.

3. The independence of the editorial boards challenged
- During the month of January, the Free Media Movement monitored nine incidents related to three major trends that should attract the attention of media activists pertaining to media freedom and rights. These incidents include new developments in this month as well as new developments of previous incidents. Some of these incidents were reported on websites or social media while the others were reported to the Free Media Movement. It should be noted that although some of these events were based on social media posts or publications, they had ventured beyond the accepted norms and ethics of expressions of ideas or were irresponsible.

The incidents brief

1. Arrest of Fazl Muhammed Nizar, a young businessman arrested under the ICCPR Act. He is also a writer for a website.

2. Further detention of Murugapillai Kokila Dasan, a political activist and freelance journalist arrested under the Prevention of Terrorism Act.
3. A State Minister threatening Mawbima Editorial Director Sisira Paranathanthri and Mawbima journalist Shiran Ranasinghe.
4. Environmental activist Lakmal Ranabahu, assaulted.
5. Terminating the services of the editor of Ravaya, the oldest newspaper in the alternative space
6. Website launched to commemorate the 11th anniversary of the disappearance of Prageeth Eknaligoda.
7. A meeting to commemorate the journalists who were killed, assaulted and forcibly disappeared
8. The Free Media Movement issued a statement on the 11th anniversary of 'Black January' and launched a Facebook campaign on January 29 under the theme 'January is still Black.'
9. The European Union reiterates the call to repeal the Prevention of Terrorism Act

Reported events

Table 1: January 2021

No.	The areas covered	The number of incidents reported
01	Safety and protection of journalists	04
02	Media Freedom	01
03	Legal complications	04

Safety and protection of journalists

Freedom of the Media can be guaranteed in an environment where journalists can pursue their profession fully and they are free of physical and mental intimidation. The Free Media Movement observed four instances in January where this fundamental freedom was challenged.

Table 2: January 2021: Safety and security of journalists - Incidents 04

No.	Incidents	Number of reported incidents
01	Assaults	01
02	Arrests	02
03	Threats	01

1. Arrest of Fazl Muhammed Nizar, a young businessman.

He was arrested under the ICCPR Act No. 56 of 2007.

Fazl Muhammed Nizar was arrested on 12-01-2020 by the Cyber Crimes Division of the Criminal

Investigation Department (CID) on charges of making statements through his Facebook account that is considered to be detrimental to inter-ethnic harmony. He was produced before the Fort Magistrate's Court and remanded until 08-02-2020 by Chief Magistrate Mohamed Mihar.

The CID stated in court that the suspect had posted various statements on his Facebook account that was deemed to be insulting various groups, including monks, in a manner that would be destructive to the fabric of inter-ethnic harmony and co-existence. The officials reported to the court that he has committed an offense under the United Nations Covenant on Civil and Political Rights.

The arrest was prompted by a video posted on Facebook by Fazl Muhammed Nizar directly addressing the President and criticizing a controversial statement made by the President in Ampara. The latter part of the video contains a section where the monks are scolded in obscene language.

Fazl Muhammed Nizar, a resident of Dehiwala and a businessman, is the author of several articles written for the website <https://www.colombotelegraph.com> during the period of May 5, 2014, to August 29, 2018, where he has written 26 articles for the site, <http://bit.ly/3oIIDVz>.

2. Murugapillai Kokila Dasan, who has been arrested under the Prevention of Terrorism Act, was further remanded

Murugapillai Kokila Dasan, a resident of Valachchenai, is a freelance journalist based in Batticaloa. He is involved in political activities with the Tamil National Alliance and a candidate who contested in the 2018 local government elections. He was arrested by the Valachchenai Police on 18-11-2020 for posting a note with two photographs on his Facebook account based on 'Mahaviru' celebrations. The police allege that the post promoted the LTTE's ideology. Accordingly, he has been charged for violating the provisions of the Gazette Notification issued on 29-08-2011 under the Prevention of Terrorism Act.

According to the charges levelled against him, bail has to be obtained from the High Court and Attorney-at-Law Kalinga Indatissa has made a request to the Attorney General in this regard. The case against Kokiladasan was taken up before the Valachchenai Magistrate on 25-01-2020 and he was remanded for another 14 days. The next hearing is set for February 8.

3. State Minister Sarath Weerasekara threatening Mawbima Editorial Director Sisira Paranathanthri and the secretary of the Cabinet Minister threatening Mawbima journalist Shiran Ranasinghe

Journalist Sisira Paranathanthri lodged a complaint with the Cinnamon Gardens Police on January 17 regarding a telephone call he received threatening him and journalist Shiran Ranasinghe.

Secretary to the State Minister Sarath Weerasekara who is responsible for the Police had threatened journalist Shiran Ranasinghe and Mawbima Editorial Director Sisira Paranathanthri over the phone regarding a report published in the Mawbima newspaper stating that police has been used to demolish shops in the Maharagama town development activities. The theleader.lk website reported this incident. <https://theleader.lk/news/5542-2021-01-19-16-40-03>

However, the Mawbima newspaper had not reported regarding these threats. When Mawbima editor Bennett Rupasinghe was contacted, he admitted that a complaint had been lodged and declined to comment further. It was later revealed that it had been decided not to proceed with the complaint based on a mutual agreement.

4. Environmental activist Lakmal Ranabahu assaulted

Lakmal Ranabahu, a freelance journalist and an environmental activist, was severely beaten by a group on 24-01-2021 in Kalawana. The attack left him with a broken arm, facial and body injuries, and he was treated at the Ratnapura Hospital for several days.

He is reported to be a freelance journalist who writes for a website, but the attack was not based on a report. Still, it had taken place when he was returning from the Kalawana Divisional Secretary after making a complaint about environmental damage affecting the public. He has complained to the Kalawana Police that a group including had carried out the attack, including event Divisional Secretary's husband. The suspects were arrested and released on police bail, and no further action has been taken yet.

Media Ownership

Media ownership is a factor directly affecting Media Freedom. Business capitalization issues, making management, and administrative decisions influenced Media Freedom.

Ensuring journalists' independence in a media institution is an essential factor in ensuring media freedom that will guarantee the independence of the editorial board without the influence of publishers.

Table 3: January 2021: Media Freedom - Incidents 03

No.	Incident	Number of reported incidents
01	Ownership and Media Freedom	01

1. Terminating the services of the Editor of Ravaya newspaper

On January 31, the Chairman of the Ravaya newspaper, Victor Ivan has informed the Chief

Editor of the Ravaya newspaper Wimalanath Weeraratne that his services will be terminated.

The Editorial Board decided to continue the Paper. (Last updated January 31)

Legal complications:

Just as crimes against journalists must be investigated, prosecutions must begin if suspects are identified. This is where the impartial functioning of a judiciary is critical. Many countries like Sri Lanka do not punish the perpetrators of crimes against journalists. For example, there are no investigations conducted into the murder of a journalist or a serious crime committed against the journalist, and therefore legal action is not pursued. The perpetrators will not be punished since the legal proceedings are not initiated. Impunity can lead to an atmosphere of great fear, as well as self-censorship.

Table 4: January 2021: Legal complications - Incidents

No.	Incident	Number of incidents
01	Continued impunity in cases involving journalists	03
02	Abolition of the Prevention of Terrorism Act	01

1. A Statement from the Free Media Movement and a Facebook campaign to mark Black January.

The Free Media Movement started on January 29, reminiscing the 11 years that have passed since 'Black January', the movement seeking justice for crimes against the journalists. The statement urged

the media fraternity and the public "to continue agitation for even generations to come to bring perpetrators of crimes against journalists before the law, thereby ensuring that journalists receive long-overdue justice".

On the same day, a Facebook group was set up

with the theme "January is still black, let us work together for Justice", through the Facebook page of the Free Media Movement, thereby urging journalists to publish posts advocating for justice to victimized journalists, which was carried out.

2. European Union calls on the government to repeal PTA

At the 23rd Joint meeting held between the Government of Sri Lanka and the European Union via Video Technology on January 25 2020, the Government of Sri Lanka reiterated its commitment to the 23 international conventions signed under the GSP + Scheme. In response, the European Union (EU) reaffirmed the need to amend the Prevention of Terrorism Act.

Such an emphasis is essential to the media community because of its experience of the draconian use of the Prevention of Terrorism Act to suppress the right to freedom of expression and media freedom. The Free

Media Movement has also been steering agitations, launching poster campaigns and issuing statements urging the State to repeal the Act at these times.

3. Website launched to commemorate the 11th anniversary of the disappearance of Prageeth Eknaligoda

Eleven years have passed since the abduction and disappearance of journalist Prageeth Eknaligoda and a website called www.ekneligodaforum.org was launched on January 25 in memory. The 'Eknaligoda Forum organized the event'.

4. Conference for a 'Just Society'

A meeting was held on January 16 at the Janaki Hotel in Colombo to commemorate the journalists subject to death, assaults and disappearances. The Journalists organized the conference for a 'Just Society'.

Footnote:

The Free Media Movement recognizes that media freedom is a human right, in line with civil society aspirations, national and international judgments, and international conventions.

Everyone has the fundamental right to freedom of thought, conscience and religion, and the basic right to know others' views without a hindrance. On this basis, the Free Media Movement considers media freedom to be a collection of the following ten components. (1) Freedom of thought (2) Freedom of opinion (3) Freedom of speech (4) Freedom of expression, including peaceful assembly (5) Freedom of information (6) Freedom of maintaining audio, video recording and record keeping (7) Freedom of publication (8) Freedom of the press (9) Freedom of the electronic media (10) Freedom of the Internet.

A symbiotic relationship between these components and the Free Media Movement recognizes that the limitations imposed on one element invariably restrict the freedom enjoyed through the other parts of media freedom. The Free Media Movement also emphasizes that using these freedoms irresponsibly and in hatred is not beneficial in practice.

These monthly reports are prepared by analyzing media reports and further information available to the free media movement. In this analysis, the Free Media Movement uses selected criteria through seven internationally recognized components covering the aforementioned tenfold media freedom components.

Free Media Movement

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