

Media freedom and the inalienable civil rights

This is the third issue of the Media Freedom – Monitoring Monthly Report, launched by the Free Media Movement in January 2021. This monthly report is prepared by taking into consideration the ten components of internationally recognized media freedoms and compiling them into seven components. The safety and protection of journalists' component do not appear to be directly related to security but includes monitoring of the violations of the right to freedom of expression, movement and freedom of accessing information. These have to be admitted as components that are inadvertently related to psychological abuse.

Part of the tenfold rights to media freedom applies not only to journalists but also to the rights of citizens, including human rights activists and misogynists. Those inalienable rights are also taken into consideration in this report. As we stated in the first issue, the 2020 Annual Report on Media Freedom is scheduled to be released on World Press Freedom Day.

May I remind you that your comments are extremely important for the enrichment of this report.

Seetha Ranjane
Convener

The media Freedom Monitoring Report includes a brief report on developments of current incidents reported during the month and the follow-up of past incidents in relation to media freedom, as well as brief observations regarding these incidents. Incidents involving the rights of journalists as well as the freedom of expression of the public are taken into consideration in the report. Thirteen (13) new incidents related to the scope/sectors monitored by the Free Media Movement have been reported during March 2021. The Free Media Movement issued press releases regarding three incidents and a joint statement was issued in collaboration with five like-minded media organizations regarding one incident.

New incidents reported during the month of March

1. BBC Tamil website correspondent Ranjan Arun Prasad pursued by an unknown group of individuals.
2. The Sri Lanka Press Institute requests the Minister of Justice to compile a law that clearly interprets the law on contempt of court.
3. The Free Media Movement submits a letter to the Secretary to the Ministry of Mass Media and Information strongly opposing the restructuring of the Sri Lanka Press Council Law, emphasizing that the Act should be repealed.
4. The Navy refuses entry to Ruki Fernando, a freelance journalist and a human rights activist, and two other journalists to enter Iranathivu Island in the Kilinochchi District of the Northern Province.
5. Ahimsa Wickrematunge's article in the Washington Post on the assassination of Lasantha Wickrematunge was criticized by the Foreign Secretary and the Minister of Mass Media and Information as an 'attempt to destroy Sri Lanka'.
6. Police initiate legal action against Sujeewa Gamage, a journalist of the Siyaratha website who had lodged a complaint with the police alleging that he had been abducted and tortured.
7. Publication of the Prevention of Terrorism (Deradicalization from holding violent extremist religious ideology) Regulations No. 01 of 2021 by

Gazette Notification dated 12 March 2021.

8. Bhagya Abeyratne being questioned by the police after commenting on a TV program about environmental destruction taking place close to Sinharaja.
9. Facebook publishes a corporate human rights policy and a fund to assist human rights defenders.
10. Painting at the Viharamahadevi Park in Colombo erected to commemorate the Global Climate Change Day on March 19, 2021 removed with the intervention of the Police Environment Division and the Colombo Municipal Commissioner.
11. Saravanapavan, Managing Director of Uthayan and K.S. Dilip Amuthan was acquitted in a case before the Jaffna Magistrate's Court.
12. President Gotabhaya Rajapaksa issues a warning to the media while participating in a "Discussion with the Village" program in Nuwara Eliya on March 20.
13. The office of the [tubetamil](#) YouTube channel and the website [www.tubetamil.com](#) in Naver Street, Jaffna raided and two persons connected to those media were arrested under the Prevention of Terrorism Act.

Table Number 01: Total Incidents Reported - March 2021

No.	Components covered	Number of Incidents reported
01	Safety and protection	07
02	Legal conditions	05
03	Important trends related to the media	01
	Total	13

The safety and protection of journalists

The environment for journalists to pursue their careers freely with embodied physical and mental cohesion is an essential factor in the freedom of the media. Similarly, in order to protect media freedom and the freedom of expression, there must be an environment in which citizens can express themselves freely through the media or in other ways without the risk of undue consequences. Seven incidents that challenged this fundamental freedom were monitored in March. There were seven incidents faced directly by media professionals as well as incidents faced by citizens due to comments made through the media. Among them is the incident when the freedom of expression exercised through a painting was challenged. The President's threatening remarks against the media were a key incident that received greater attention.

Table 2: March 2021: Safety and protection of journalists - Incidents - 7

No.	Incidents	Number of reported incidents
01	Threats	01
02	Denial of the right of movement and access to information	01
03	Loss of freedom of expression	01
04	Abduction and physical torture	01
05	Psychological abuse	03
	Total	07

New Incidents during the month:

1. BBC Tamil website correspondent Ranjan Arun Prasad pursued by an unknown group of individuals.

On March 3, BBC Tamil correspondent Ranjan Arun Prasad had lodged a complaint with the Police Headquarters alleging that a suspicious group were searching for his personal information in Colombo and that the group had followed him during a visit to the North for his official work.

He said the incident took place after the BBC Tamil website published a report containing the views of the people of the North on the ongoing international community discussion on human rights in Sri Lanka. According to Arun Prasad, a group of people had been involved in surveillance in the area where he lives in Rakwana on 1st March after the relevant report was published, and two people who visited his wife's house in Kandy on 2nd March 2 has inquired information about him. Police have still not taken any action regarding the journalist's complaint.

2. Navy denies entry to Ruki Fernando, a freelance journalist and a human rights activist, and two other journalists to enter Iranathivu Island in the Kilinochchi District of the Northern Province.

The Navy barred Ruki Fernando, a human rights activist, a freelance journalist, and two other journalists from entering the Iranathivu Island in the Kilinochchi District on March 5. The authorities have also failed to provide a legitimate reason for refusal of entry. When inquired about this matter from the Kilinochchi Government Agent, the Director of Government Information and the Minister of Mass Media, they stated that they were unaware of such a ban. However, Navy Media Spokesperson Indika de Silva has told the Media.lk website that no one other than the residents are allowed to enter Iranathivu Island.

Complaining to the Human Rights Commission of Sri Lanka, Ruki Fernando stated that the actions of naval officers resulted in the violation of their constitutional rights, especially the freedom of movement (Article 14 - 1-h) and the freedom of expression and publication (Article 14-1-a).

The Kilinochchi Divisional Secretary has given the Navy a list of residents in the Island however, no one is barred from entering the Island while Article 15 of the Constitution states that freedom of expression and movement can be restricted only "as required by

law" and therefore Ruki Fernando points out that this action is illegal and arbitrary. Fishermen live on the island of Iranathivu, which does not have an access route through land, while residents continue to protest against the government's decision to bury the bodies of Covid-infected Muslims on the island.

3. Ahimsa Wickrematunge's article in the Washington Post on the assassination of Lasantha Wickrematunge was criticized by the Foreign Secretary and the Minister of Mass Media and Information as an 'attempt to destroy Sri Lanka'.

Ahimsa Wickrematunge (daughter of the slain author) wrote an article on the assassination of Lasantha Wickrematunge, editor of the Sunday Leader who was killed 12 years ago, on the Washington Post reported on 2nd March titled 'My father was assassinated 12 years ago. Sri Lanka's leaders are still denying us justice'.

Admiral Jayanath Colombage, Secretary to the Ministry of Foreign Affairs and Keheliya Rambukwella, Minister of Mass Media and Information have responded negatively to this article, on the dailymirror.lk website. The Foreign Secretary said Ahimsa's letter was an attempt to "destroy Sri Lanka and see its downfall" by rallying the international community to impose travel restrictions and embargoes on Sri Lankan leaders.

The media minister, who is also the state media spokesman, said she appeared to be controlled by a network of opposition politicians and diaspora groups. ("the public feels that she is tied to a string and is being controlled by certain parties," including opposition politicians and Diaspora groups). The Minister said it was unfortunate that she had decided to do so in the face of challenges facing the country before the UN Human Rights Council (UNHRC). The above statements show that the relevant authorities have branded her as an enemy of the State and as a pawn dictated and controlled by various forces, even as she spoke on behalf of her father and on behalf of Justice. It can be observed that this approach discourages the freedom of expression and creates an attitude of hate in society against those who express such views.

4. Police initiate legal action against Sujeewa Gamage, a journalist of the Siyarata website who had lodged a complaint with the police alleging that he had been abducted and tortured.

Sujeewa Gamage, a journalist with the Siyaratha

website, is a freelance journalist who has worked in various print media and online publications for some time. He stated that he was abducted by a group of people in Mirigama on March 10, taken away in a black vehicle, tortured seeking information of a memory card containing confidential information and later left him abandoned in the Dematagoda area. In a statement issued on March 17, the Free Media Movement said it was the responsibility of the government to conduct a formal investigation into the incident and disclose the truth.

He was admitted to the Colombo National Hospital with burns and other injuries and was under residential treatment until the 17th and has lodged a complaint with the hospital police. He was arrested by the Colombo Police Crimes Division (CCD) on his way home from the hospital. He was later produced before the Colombo Magistrate charged with making a false complaint and was released on bail. Police Media Spokesman, DIG Ajith Rohana holding a news conference on March 19th stated that the journalist was not stating the truth. He said that Sujeewa Gamage had heated a tablespoon at home on the 9th and burnt himself. He also displayed the tablespoon that had been allegedly used for the purpose. Meanwhile, Sujeewa's lawyer Namal Rajapaksa told the media that he was not allowed to represent his client at the Colombo Police Crimes Division.

At a press conference on March 21, Sujeewa Gamage categorically denied the allegations levelled the police. When the case was taken up again on March 25, the court rejected a request made by the CCD to remand the journalist again. The case was adjourned for July 29.

5. Bhagya Abeyratne questioned by the police after commenting on a TV program about environmental destruction taking place close to Sinharaja.

Bhagya Abeyratne of Rakwana, a young female who participated in the 'Sirasa Lakshapathi' quiz programme aired on Sirasa TV on March 13, commented on the environmental destruction taking place in the Sinharaja forest area. Her comments also included information on the environmental damage caused by the construction of a hotel on land near her home. The day after the program was aired (March 14), two Rakwana police officers went to Bhagya's house and recorded a statement from her. After that, an official of the Forest Department had also gone there and inquired from her in an undue manner.

Meanwhile, there were malicious and threatening reactions against Bhagya on social media stating that she had lied.

In a statement issued on March 17, the Free Media Movement, in support of Bhagya's right to freedom of expression, urged the government to take steps to prevent such acts, which discourage the right to freedom of expression.

The Free Media Movement statement further reiterated that in a democratic society, it is the citizen's right to exercise freedom of expression and dissent within a framework of social responsibility and to expand its frontiers and scope and strongly urged the government to take appropriate swift action to prevent such incidents that discourage the right to freedom of expression, whilst reminding that the authorities at all levels of government have a constitutional and moral obligation to respect, protect and nurture media freedom, including freedom of expression.

6. Painting at the Viharamahadevi Park in Colombo erected to commemorate the Global Climate Change Day on March 19, 2021, removed with the intervention of the Police Environment Division and the Colombo Municipal Commissioner

The 70 x 20 foot painted image, titled 'Stop Ecocide', was erected by the Wildlife and Nature Protection Society (WNPS) as part of a series of events organized to commemorate Global Climate Change Day, depicting environmental destruction and its adverse effects. A group of more than 100 young people and teenagers from the WNPS Youth Wing, volunteered for about a week to create the painting.

Initially, a group of people who had come with the police removed the picture from the board, but it had been re-installed after the organizers had pointed out that it had been installed with proper permission, but later the Director of the Police Environment Unit, Rohan Rajapaksa, and the Colombo Municipal Commissioner, Rohini Dissanayake, who had come to the venue had declared that the board was harmful to the environment and deployed a team and removed it. Attorney-at-Law Jagath Gunawardena points out that this action taken by the police is against the law.

Also, the statement made by the Director of the Police Environment Unit Rohan Rajapaksa at that place was severely criticized on social media and his statement that "such talk about the environment has taken place after our government came to power"

was particularly the cause of the opposition.

The Daily Mirror website reported that the painting, which was being displayed with proper permission, had been removed by order of the President's Office. <https://bit.ly/2Qtghl2>. The next day (March 20) during the 'discussion with the village' in Walapane, the President also spoke critically about displaying the painting. <https://youtu.be/vJ7uMxLwx2c>

7. President Gotabhaya Rajapaksa issues a warning to the media while participating in a "Discussion with the Village" program in Nuwara Eliya on March 20

President Gotabhaya Rajapaksa made a highly controversial statement regarding the media while participating in the 'discussion with the village' programme on March 20 held in the Yombuweltenna area in the Walapane Divisional Secretariat Division in the Nuwara Eliya District. <https://youtu.be/vJ7uMxLwx2c>

The President said "It is a mafia, there are no kings in our country, and there are no Maharajas. The Maharajas were in India. Certain media owners want to run the country the way they want. That will not be possible with me. I know how to teach a lesson if they need to be taught. I have given Media Freedom. I have not exerted any influence on the media. If they misuse, there are legal remedies. Not only them,

but even the ones with a national ideology have also published false news. Those who worked against us during the war have reappeared and they are in them".

Six media institutes including the Free Media Movement issuing a joint statement reiterated that the President's statement gives a dangerous signal of an ominous threat to the freedom of media and expression and will intimidate those who make critical remarks against the government.

The release further states that the section "That is not possible with me. I know how to teach a lesson if they need to be taught. Those who worked against us during the war are in those media institutions", is a stark reminder of the still unresolved crimes that have been committed against journalist in the past.

The Sri Lanka Working Journalists Association, the Free Media Movement, the Young Journalists Association, the Tamil Media Alliance, the Federation of Media Employees' Trade Unions and the Sri Lanka Muslim Media Forum signed this collective statement. <https://bit.ly/3mrGzA9>

In response to the president's statement, SAFMA said in a statement, "Targeting of media businesses harms media freedom, curbs public information".

<https://bit.ly/31dogVk>

Legal conditions

During the month of March, five incidents were monitored which fall under the category of legal conditions related to media freedom. These Incidents are subdivided into litigation, enacting new laws affecting media freedom, and legal reform.

Table 3: March 2021: Legal Conditions - Incidents 04

No.	Incident	Number of Incidents reported
01	Litigation	02
02	Enacting new laws	01
03	Suggestions for Legal reforms	02
	Total	05

New Incidents during the Month

1. The Sri Lanka Press Institute requests the Minister of Justice to compile a law that clearly interprets the law on contempt of court.

Since there is no law in Sri Lanka which properly defines the law of contempt of court unlike in the case of many other countries, the Sri Lanka Press Institute in collaboration with the Sri Lanka Editors Guild submitted a proposal to the Minister of Justice, Ali Sabri, President's Counsel, to enact a bill in this regard.

The letter sent to the Minister of Justice by the Sri Lanka Press Institute states that enacting laws with a clear interpretation of the law on contempt of court is a long-standing requirement.

These recommendations are based on the proposals made by the Sri Lanka Editors' Guild to the Parliamentary Select Committee of 2003 held under the chairmanship of Lakshman Kadirgamar, PC. The Sri Lanka Press Institute also presented to the Minister of Justice the Contempt of Court Bill drafted by the Advisory Committee of the Human Rights Commission of Sri Lanka in 2006. The report also includes comments from the Sri Lanka Editors' Guild and the Bar Association of Sri Lanka.

Sri Lanka Press Publishers' Association, Sri Lanka Editors' Guild, Free Media Movement, Sri Lanka Working Journalists Association are the partner organizations of the Sri Lanka Press Institute.

The Tamil Media Alliance, the Federation of Media Employees' Trade Unions and the Sri Lanka Muslim Media Forum and the South Asian Free Media Association - Sri Lanka Chapter are the affiliate partners.

2. The Free Media Movement submits a letter to the Secretary to the Ministry of Mass Media and Information strongly opposing the restructuring of the Sri Lanka Press Council Law, emphasizing that it should be repealed.

The Free Media Movement in its letter to the Secretary of the Ministry of Mass Media and Information vehemently objected to the structural reforms and the reorganising of the Press Council Law, which is nearly 50 years old with legal provisions that are severely detrimental to media freedom, calling for it to be repealed. This letter has been sent as a response

to the press notice placed by the Secretary calling for public proposals to structurally reform and reorganise the Sri Lanka Press Council established by the Sri Lanka Press Council Law No 05 of 1973 covering electronic, print and new media as a tribunal for journalists and media institutions. The Free Media Movement states that it has perennially objected to a unilateral media regulatory process by a government agency with detrimental legal provisions. The Free Media Movement instead agrees to "a regulatory" methodology encompassing all media, developed through the engagement of the media community, protecting media diversity, independence, freedom and social responsibility. The Free Media Movement also detailed the adverse legal provisions and the basis for opposing the Press Council in this letter.

3. Publication of the Prevention of Terrorism (De-radicalization from holding violent extremist religious ideology) Regulations No. 01 of 2021 by Gazette Notification dated 12 March 2021

The above orders were issued by the President under Section 27 of the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979, which should be read in conjunction with paragraph (b) of Article 4 of the Constitution. These orders allow a suspect arrested under the Prevention of Terrorism Act to be rehabilitated without prosecution, which can be extended to two years. The new regulations have been criticized as further exacerbating the problematic use of the Prevention of Terrorism Act against a person's rights, including the freedom of expression.

Commenting on this, Human Rights Watch said that the new regulations imposed under the Prevention of Terrorism Act restrict freedom of expression indefinitely.

The International Commission of Jurists (ICJ) condemned Sri Lanka's new 'de-radicalization' regulations, which allow for the arbitrary administrative detention of people for up to two years without trial. They further state that the regulations could disproportionately target minority religious and ethnic communities.

ICJ further states that the "regulations", which were dictated by the executive without the engagement of Parliament allow for effective imprisonment of people without trial and so are in violation of Sri Lanka's international legal obligations and Sri Lanka's

own constitutional guarantees under Article 13 of the Sri Lankan Constitution.

4. The office of the YouTube channel tubetamil and the website www.tubetamil.com situated in Naver Street, Jaffna raided and two persons connected to the tubetamil media arrested under the Prevention of Terrorism Act

DIG Ajith Rohana stated to the media that on March 29, a 35-year-old female and a 36-year-old male working for the YouTube channel tubetamil and www.tubetamil.com website were arrested in Jaffna, while the police also seized five desktops, five laptops and several other equipments in the office.

He further stated that the arrests were made following an investigation by the Police Terrorism Investigation Division, which confirmed that the above YouTube channel and website were publishing various news items promoting terrorism and that they would be brought to the Colombo Terrorism Investigation Division for further investigations. He added that they were hoping to detain them and question further.

Police spokesman's statement to the media - <https://bit.ly/3suSorn>

Tubetamil YouTube news about the arrest - <https://bit.ly/3m22iy8>

Developments in previous Incidents

1. Saravanapavan, Managing Director of Uthayan Newspaper and K.S. Dilip Amuthan acquitted in a case before the Jaffna Magistrate's Court.

Jaffna police OIC Prasad Fernando filed a case in the Jaffna Magistrate's Court against Saravanapavan, Managing Director of Uthayan Newspaper and K.S. Dilip Amuthan on the charge that on December 26, 2020, the Uthayan newspaper had published a photograph of former LTTE leader Velupillai Prabhakaran. They were charged with violating a restraining order issued by the court against the celebration of Heroes' Day.

When the case was taken up on March 19, the Magistrate ordered that the two be acquitted as they were no longer considered suspects. Although the police stated that they needed time to seek advice from the Attorney General on the case, the Magistrate said that there was no impediment for the police to proceed with the investigation but the above suspects would no longer be under the category of suspects. However, they have to attend court every time they are summoned. The next hearing is set for July 16.

Important trends related to the media

1. Facebook publishes a corporate human rights policy and a fund to assist human rights defenders.

Facebook announced a corporate human rights policy and a fund to assist human rights defenders on 16-03-2020. It has been hailed as a very important step forward in the field of social media. In a statement, Facebook said it was committed to respecting human rights in its business operations, product development, policies and programming, and the aim was to further that commitment. <https://bit.ly/30SegAF>

Facebook, we're committed to respecting human rights in our business operations, product development, policies and programming. To further that commitment, today we're launching a corporate human rights policy, covering all of Facebook Inc,

and a fund to support human rights defenders.

Facebook Inc. states that their goal is for Facebook, as a business and a platform, to be a place for equality, safety, dignity and free speech the core principles of human rights and to build systems that respect human rights and the UN Guiding Principles (UNGPs).

In a statement praising Facebook's move, Access Now welcomed Facebook's new human rights policy and said it was an essential step for every company that wants to respect human rights. "We welcome Facebook's new human rights policy, a necessary step for every company seeking to respect human rights. But 17 years is too long to wait for this basic declaration, especially from a huge and powerful firm like Facebook". <https://bit.ly/3eUrq8N>

**Table 4: media Freedom:
Number of Incidents reported to the Free Media Movement from January to March 2021**

Covered component	January – February 2021	March 2021
Safety and Protection	06	07
Legal Conditions	09	05
Media Independence	01	
Total	16	12

January 2021 MFRM Report <https://bit.ly/2PKIKmj>

February 2021 MFRM Report <https://bit.ly/3fQXTwW>

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 the freedom of thought, conscience and religion and the basic right to know the views of others 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.

There is a symbiotic relationship between these components and the Free Media Movement recognizes that the limitations imposed on one component invariably restrict the freedom enjoyed through the other components of media freedom. The Free Media Movement also emphasizes that using these freedoms irresponsibly and in hatred is not a beneficial use 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 that cover the aforementioned tenfold media freedom components.

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