

2021 **July**

Issue No. 07



Threats to journalist Tharindu Jayawardena



Human Rights Commission investigates the arrest of journalist Kokilan Dasan



Protesting activists arrested

This monthly report includes briefs on incidents related to press freedom, follow-up of previous incidents and relevant observations. We have also focused on policy changes pertinent to press freedom, and other incidents related to the freedom of expression of journalists and the public. In line with the FMM's scope/criteria on monitoring press freedom, in July 2021, 14 incidents were reported. Eleven of them were new incidents, while three were follow-ups of the previous incidents. In the first two weeks of July, few incidents of using quarantine regulations to suppress agitations were reported. In this report, those incidents are considered as a trend against freedom of expression. In July, FMM observed various local and international organizations express their support to press freedom in Sri Lanka.

The collective of media organizations, including FMM, wrote open letters to the Inspector General of Police regarding two incidents. The collective of media organizations held a press conference against the use of quarantine regulations to suppress the freedom of expression.

Incidents reported in July

1. Deputy Inspector General Deshabandu Thennakoon responded threateningly regarding a news story shared by journalist Tharindu Jayawardhana on Facebook.
2. On the advice of the Director-General of Health Services, police headquarters issued a press statement requesting not to conduct activities like public meetings and agitations with mass participation. Police arrested many activists for violating quarantine regulations during protests.
3. Police disturbed several times the journalists who were covering the protest near the parliament roundabout on 8th July.

4. International Federation of Journalists (IFJ) urged the government of Sri Lanka to investigate the sexual violence that occurred in the newsrooms.
5. Sri Lanka President Gotabaya Rajapaksa was in the group photo released by the Reporters Without Borders (RSF) of the 37 heads of state who are considered predators of press freedom.
6. Opposition Leader of Sri Lanka parliament Sajith Premadasa made a special statement in the parliament alleging the government was trying to abolish the transmission license of the Sirasa media network.
7. Secretary of the Journalists' Association of Batticaloa, Selvakumar Nilanthan was summoned to the Police Terrorist Investigation Unit in Kallady and interrogated. He was forced to divulge his personal information.
8. The interim report of the Presidential Commission of Inquiry for Appraisal of the Findings of Previous Commissions and Committees on Human Rights and the Way Forward recommended not to abolish the Prevention of Terrorism Act.
9. Parliamentarian Patali Champika Ranawaka presented a private member's bill to parliament to codify contempt of court law and regulate court procedures.
10. The Minister of Media stated that the journalists must provide information about serious incidents to the law enforcement authorities without limiting themselves to reporting.
11. The Human Rights Commission of Sri Lanka initiated an investigation regarding detaining journalist Kokilan Dasan for more than seven months regarding several posts on Facebook.
12. The Supreme Court of Sri Lanka started examining the fundamental rights petition by writer Shakthika Sathkumara against detaining him regarding a short story published on Facebook.
13. Ninety-six academics representing the university community of Sri Lanka issued a collective statement denying detaining human rights lawyer Hijaz Hisbulla and Tamil language teacher and poet Ahnaf Jazim unfairly.
14. Police Computer Crimes Division questioned journalist Nandana Weerathna regarding an article published on the assassination of 53 Tamil prisoners in Welikada prison in July 1983.

Table 1: Total number of incidents reported in July 2021

No.	Covered criteria	Number of incidents reported
01	Safety and security	04
02	Media independence	01
03	Legal conditions	06
04	Structural conditions	03
	Total	14

Safety & Security of journalists

An environment free from physical and mental hazards is essential for press freedom. Also, people must enjoy the freedom of expression through media or any other means without repercussions. Freedom of expression also includes the rights for meeting peacefully, protesting and agitating. Four instances violating this freedom were reported in July.

Table No. 02 July 2021: Security and safety of journalists - four incidents

No.	Incident	Number of incidents
01	Threatening	01
02	Mobility and access to information	01
03	Mental pressure	02
	Total	04

- 1. Deputy Inspector General Deshabandu Thennakoon responded threateningly regarding a news story shared by journalist Tharindu Jayawardhana on Facebook.**

Deputy Inspector General Deshabandu Thennakoon responded in a threatening tone regarding a news story shared by journalist Tharindu Jayawardhana on Facebook on July 01. The link to the relevant Facebook post: https://m.facebook.com/story.php?story_fbid=4804876112874609&id=100000568041748)

Deputy Inspector General Deshabandu Thennakoon repeatedly said that journalist Tharindu Jayawardhana had published false news and nature would punish him for that. He stressed the need to study what had happened to Prabakaran and other criminals. The journalist asked what the false news was, but the police officer failed to provide a direct answer. The senior police officer once mentioned a report on the Easter Sunday attack. www.medialk.com website edited by Tharindu Jayawardhana, published a post titled 'Salary increments to the police officials claiming they were subjected to political reprisal.' The report said that DIG Western Province Deshabandu Thennakoon, against whom the Presidential Investigation Commission had recommended disciplinary action, had also qualified for a salary increment on the basis of political reprisal. The news story source is a reply by Minister of Media and cabinet spokesman Keheliya Rambukwella to a question raised by journalist Tharindu Jayawardhana. (Relevant story <https://medialk.com/archives/5653>)

The collective of media organizations, including FMM, sent a letter to the Inspector General of Police Chandana Wickramaratna on July 2 urging to investigate this incident and guarantee the journalist's safety.

- 2. Police disturbed several times the journalists who were covering the protest near the parliament**

roundabout on 8th July.

Lanka Views website reported that police had disturbed several times the journalists who were covering the protest near the parliament roundabout on 8th July. The report said that a policewoman had tried to push a journalist's camera to disturb the reporting process. However, the journalist could protect his equipment, the report said. When enquired about this act, the policewoman had run away on a bus. According to the report, when the journalists reported the incident to the senior police officers who were present there, they had not taken action. One police officer had told that the incident could be a mistake. (Source: <https://bit.ly/3dTigbd>) Voicetube.lk Youtube channel published a video that proved this incident (<https://youtu.be/yiFZQ4eWSCU>). However, the journalists who faced the troubles did not seem to follow up the actions against this incident.

- 3. Secretary of the Journalists' Association of Batticaloa, Selvakumar Nilanthan was summoned to the Police Terrorist Investigation Unit in Kallady and interrogated. He was forced to divulge his personal information.**

Secretary of the Journalists' Association of Batticaloa, Selvakumar Nilanthan was summoned to the Police Terrorist Investigation Unit in Kallady on July 12th, and he was interrogated for over three hours. The reason for questioning was not revealed. His social activism was questioned, and bank account information was obtained. He was forced to divulge the passwords of the email and social media accounts. Police wanted to know whether the journalist had links with the Liberation Tigers of Tamil Eelam (LTTE). Police later released him, stating that he would be summoned again, if necessary, for further investigations. (Source: <https://srilankabrief.org/tamil-journalist-selvakumar-nilanthan-interrogated-by-sri-lankas-terrorism-investigation-division/>)

The collective of media organizations, including FMM, sent a letter to the Inspector General of Police Chandana Wickramaratna and highlighted that it was illegal to force a journalist to divulge personal information when an investigation is conducted regarding an incident or a complaint. The letter further urged to mediate the incident and to take actions to prevent such obstructions against journalists.

4. Police Computer Crimes Division questioned journalist Nandana Weeraratna regarding an article published on the assassination of 53 Tamil prisoners in Welikada prison in July 1983.

On July 27th evening, the police Computer Crimes Division summoned freelance journalist Nandana Weeraratna to Criminal Investigation Department (CID) at 9 a.m. on 30th July. When called to the telephone number mentioned in the note and asked about the investigation, the police officer had refused to give information. When journalist Weeraratna appeared in the police, the officers showed him the reports he had written about the assassination of

53 Tamil prisoners in Welikada prison on 25th and 27th July, 1983, naming some of the suspects of the crime. He verified that he had written them. The journalist understood that those reports had been submitted to CID by a group of persons, including Sepala Ekanayaka, who were prisoners of Welikada prison by that time.

Journalist Nandana Weeraratna published a post on his Facebook account about the statement he made to police. “In 1998, I worked in BBC World Service and produced a series of programmes based on eyewitnesses of this incident. One of the witnesses, Gnanasekaran named Sepala Ekanayaka and his colleagues as leaders who committed this mass killing. Colonel Sunil Peiris of the Army Commando Regiment also reported the savage behaviour of the criminals. We will not give up writing about this incident until the offenders are named. I am conducting investigations regarding this assassination for five years to be used in a film produced on this. I will continue it.” (Source: <https://www.facebook.com/650281772/posts/10158867902471773>)

Media independence

Media independence is another criterion considered in terms of press freedom. The indicators of this criterion are, independence of the journalists in media organizations, editorial independence, freedom from the politicians, businesses and religious community, granting or not granting advertisements, corruption or concessions, blocking internet access and suspension of transmission licenses. Two incidents related to these indices were reported in July.

Table No. 03: July 2021: Media independence - one incident

No.	Incident	Number of reported incidents
01	Media independent of political influence	01
	Total	01

1. Opposition Leader of Sri Lanka parliament Sajith Premadasa made a special statement in the parliament alleging the government had been trying to cancel the transmission license of the Sirasa media network.

On July 7, Opposition Leader Sajith Premadasa made a special statement in the parliament alleging a high-level group of the government was conspiring to abolish the transmission license of the Sirasa media network. (Sources: 1. <https://youtu.be/NMtNMAacJ-o>

2. Hansards [2021-07 \(1667-1680\)](#)

Premadasa said this, taking full responsibility for his statement. He said that a plan was being set under the instructions of the senior public officials and lawyers. After this statement, the opposition MPs gathered in the central lobby of the parliamentary hall and protested the move.

In response to the statement, Minister Bandula

Gunawardana said that the government of President Gotabaya Rajapaksa had never taken any action to suppress any media in this country.

People’s Liberation Front (JVP) leader Anura Kumara Disanayaka also supported the opposition leader’s statement and said that the country’s present leader is a figure with dark history of suppression. He pointed out the present President Gotabaya Rajapaksa’s actions against the journalists when he was the secretary of the Ministry of Defense. (Source: <https://www.youtube.com/watch?v=26rFmYl2xks&t=697s>)

When the BBC Sandeshaya website inquired about this from the Minister of Media, he said that although the electromagnetic spectrum is public property, the media in Sri Lanka are handled by the interests of the media owners. “It is all right until the ethics and decency are maintained. But, when they are violated, we have to address the problem. This is not related to one particular institute. We are definitely studying this,” the Minister said. (Source: <https://www.bbc.com/sinhala/sri-lanka-57758910>)

Legal Conditions

Six incidents that are related to the criterion of legal conditions of press freedom were observed in July. Many incidents of the use of quarantine regulations to obstruct the rights of the citizens to organize and express opinions were reported. They were considered as a whole a trend. One index of the criterion of legal conditions related to press freedom is respect to the journalists' sources. One incident that directly represents this index was observed. Two incidents can be considered follows-up of previous incidents.

Table No. 04: July 2021: legal conditions - six incidents

No.	Incident	Number of Incidents reported
01	Taking legal action	03
02	Respecting the sources of the journalists	01
03	Legal restrictions to media/legal reforms	02
	Total	06

1. On the advice of the Director-General of Health Services, police headquarters issued a press statement requesting not to conduct activities like public meetings and agitations with mass participation. Police arrested many activists for violating quarantine regulations during protests.

On July 6, police headquarters issued a statement titled as ‘Holding various protests causing health risks,’ and stated that the Director-General of Health Services had informed the police, “There is a high risk of contracting Covid by engaging in public gatherings, activities such as protests. Therefore, such public rallies and agitations where the masses gather in large numbers should not be held until further notice.” The Sri Lanka Police will act in accordance with the above quarantine orders, the statement said.

The following day, police started arresting protestors

island-wide, accusing they had violated the quarantine regulations. On July 7 and 8, over 50 protestors were arrested at Boralanda, Muthurajawela (Bopitiya), Kalutara, in front of Engineering Corporation - Colombo and the parliament roundabout. On July 8, police arrested 31 protestors, including Ceylon Teachers’ Union chairman Joseph Stalin during a protest near the parliamentary roundabout. Police demanded the court to send them for quarantine, but the court rejected it. They were granted bail but retaken into police custody by force and sent for quarantine.

Elements interested in freedom of expression and democracy protested the police action, and on July 09, the Bar Association of Sri Lanka sent a letter to the Inspector General of Police and the Director-General of Health Services emphasizing that

quarantine regulations should not be used to violate the fundamental rights (Source: FMM website).

On July 12th, the collective of media organizations, including FMM, held a press conference in the auditorium of the Sri Lanka Press Institute and protested the anti-democratic acts covering to the COVID-19 quarantine regulations. A joint statement of 45 media organizations and civil society organizations was also issued.

2. The interim report of the Presidential Commission of Inquiry for Appraisal of the Findings of Previous Commissions and Committees on Human Rights and the Way Forward recommended not to abolish the Prevention of Terrorism Act.

The Presidential Commission of Inquiry for Appraisal of the Findings of Previous Commissions and Committees on Human Rights and the Way Forward handed over its Interim Report to President Gotabaya Rajapaksa at the Presidential Secretariat on July 20. The Presidential Commission said that it is not in agreement with the calls to repeal the Prevention of Terrorism Act (PTA) and highlighted in the interim report that the PTA should be reformed in line with the laws against the prevention of terrorism in other countries, including in the UK. The Commission has made three key recommendations in its interim report with regard to the implementation of the PTA in a more democratic manner (Source: Statement of the President's media).

The commission highlighted the possibility to expedite the hearing of cases of those who are being detained for a minimum of three months or longer under Provision 9 of the PTA by filing indictments against them. It also recommends confining the detainees to their own home or the residential area under special security instead of detaining them in prisons in line with Provision 11 of the PTA.

The commission, in its interim report, proposed the importance of establishing an Advisory Board consisting of not less than three persons representing all ethnic groups, to advise the President or the Minister in charge of Defence under Provision 13 of the PTA. The Commission has been mandated to hand over its final report in the next six months.

PTA was used recently to arrest and detain journalists, writers, and activists of various fields and impose suppressive actions. Many local and international organizations advocating for democratic rights and human rights want PTA completely abolished.

3. Parliamentarian Patali Champika Ranawaka presented a private member's bill to parliament to codify contempt of court law and regulate court procedures.

This draft bill has been gazetted on July 9 (Source: the relevant gazette notification). Local and international human rights organizations have been advocating to define specific civil and criminal offences that amount to 'contempt', pointing out that laws related to contempt of court stand against freedom of expression and press freedom. Sri Lanka Legal Commission also drafted a bill defining contempt of court in 2008, but the cabinet did not approve it (Source:)

Sri Lanka Press Institute and Editors' Guild of Sri Lanka wrote a joint letter to the Minister of Justice in March 2021 and urged define specific civil and criminal offences that amount to 'contempt'. The letter submitted suggestions based on the proposals submitted in 2003 by Editors' Guild to a parliamentary select committee headed by President's Counsel Lakshman Kadirgamar. Sri Lanka Press Institute focused the attention of the Minister of Justice on the bill drafted by the advisory committee of Sri Lanka Human Rights Commission in 2006. (Source: http://www.fmm.srilanka.lk/wp-content/uploads/2021/04/MFRMD_Mar_Sin.pdf)

4. The Minister of Media stated that the journalists must provide information about serious incidents to the law enforcement authorities without limiting themselves to reporting.

Minister of Media and cabinet spokesman Keheliya Rambukwella said on July 19 in 'Rathu Ira' programme of Swarnawahini television that the journalist's duty is not only reporting severe incidents for media but also providing the information available to the legal divisions. He further pointed out that failure to do so would amount to concealing a design to commit a crime. (Source: <https://www.youtube.com/watch?v=UnUzpDmNTOM>)

This statement is problematic regarding the safety of the sources of the journalists. It is also a distorted definition of the duty of the journalists. The journalists who anchored the programme questioned the safety of the journalists' sources, but the issue was not adequately discussed. Former Chairman of Professional Journalists' Association, Sanath Balasuriya, responded sharply regarding this statement through his Facebook profile and a

dialogue was created among journalists regarding the issue. (Source: https://mobile.facebook.com/story.php?story_fbid=10227086867781583&id=1352747725)

Follows-up of the previous incidents

5. **Human Rights Commission of Sri Lanka initiated an investigation regarding detaining journalist Kokilan Dasan for more than seven months regarding several posts on Facebook.**

On 28th November 2020, Valachchanai police arrested freelance journalist Kokilan Dasan for promoting the banned Liberation Tigers of Tamil Ealam on the Facebook social network. Attorney-at-law Sanjaya Wilson Jayasekara complained to the Human Rights Commission of Sri Lanka regarding detaining Kokilan Dasan for over seven months.

The Human Rights Commission started an investigation, and Valachchanai police was summoned before the commission on July 30th. Counsel Jayasekara pointed out that police had failed to explain the reasons to arrest Kokilan Dasan, and the commission had granted two weeks to submit evidence that led to the journalist's

arrest. (Source: <https://twitter.com/sanjayawilson/status/1415499644453277696>)

6. **The Supreme Court of Sri Lanka started examining the fundamental rights petition by writer Shakthika Sathkumara against detaining him regarding a short story published on Facebook.**

Polgahawela police station arrested writer Shakthika Sathkumara for publishing a short story on Facebook. They claimed the short story amounted to blasphemy and the writer had committed an offence under the ICCPR Act. Sathkumara filed a fundamental rights petition against the arrest (SCFR 167/2019), and the Supreme Court examined it on July 15. Further hearing was postponed to October 26th. The Officer-in-Charge of Polgahawela police station and the Attorney General are the respondents of the case.

Shakthika Sathkumara was arrested on April 1st, 2019, and he was released on bail on August 8, 2019. He was remanded for 130 days. On 9th February 2020, the Attorney General informed the magistrate court that there was no case against the suspect and the court acquitted him.

Structural conditions

Under structural conditions, six potential indices relevant to the entire media structure and environment are considered under this criterion. In July 2021, two incidents related to 'active support from the monitoring groups for media freedom' were observed.

Table No. 05: July 2021: Structural conditions - three incidents

No.	Incident	Number of Incidents reported
01	Active support from the monitoring groups for press freedom	03
	Total	03

1. **International Federation of Journalists (IFJ) urged the government of Sri Lanka to investigate the sexual violence that occurred in the newsrooms.**

International Federation of Journalists (IFJ), joined by the local partners, urged the government of Sri Lanka to investigate the sexual violence that occurred in the newsrooms. The local partners of

IFJ are FMM, Sri Lanka Professional Journalists' Association and Trade Union Federation of Media Employees.

A discussion emerged among journalists in June after several female journalists raised the issue via Twitter. Minister of Media, Keheliya Rambukwella, responding to a query by a journalist, said that

the Ministry had focused on conducting an investigation. However, the Minister later said that it was impossible to investigate in a context a formal complaint had not been received from the relevant female journalists. The incident is likely to be swept under the carpet.

2. Sri Lanka President Gotabaya Rajapaksa was in the group photo released by the Reporters Without Borders (RSF) of the 37 heads of state who are considered predators of press freedom.

Reporters Without Borders (RSF) releases a collective photo of predators of press freedom every five years, and the latest edition was released in July. Sri Lanka President Gotabaya Rajapaksa is in the photo of the 37 heads of state who are considered predators of press freedom. The press freedom predators are the leaders of the following countries:

Egypt, Belarus, Iran, Syria, Hong Kong, Nicaragua, Tajikistan, Sri Lanka, Turkmenistan, Bahrain, Cambodia, Azerbaijan, Pakistan, Djibouti, Eritrea, Brazil, North Korea, Singapore, Cuba, Myanmar, Saudi Arabia, India, Venezuela, Vietnam, Cameroon, Rwanda, Thailand, Russia, Turkey, Philippine, South Sudan, Bangladesh, Guinea, Hungary, Chile, Uganda (Source: <https://rsf.org/en/news/rsfs-2021-press-freedom-predators-gallery-old-tyrants-two-women-and-european>)

The report of the RSF, connected to the photo, describes the predators individually and the following is the description of President Gotabaya Rajapaksa.

Gotabaya Rajapaksa's election as president in November 2019 returned Sri Lanka to the darkest hours of its recent history. A retired army lieutenant-colonel, "Gota" was a Permanent Secretary at the Ministry of Defence while his brother, Mahinda Rajapaksa, was president from 2005 to 2015, the so-called "dark decade" during which the military

finally crushed the Tamil armed separatists by dint of a great deal of bloodshed, ending the decades-old civil war in 2009. During this period, Gota played a major role as overseer of a death squad known as the "white van commando" because of the vehicles it used to kidnap and torture journalists, and in some cases execute them, on his orders. As was to be expected, his accession to the presidency re-awakened old demons, especially as he reappointed himself as defence minister and appointed his brother, the former president, as prime minister. Warrants for the arrest of journalists have been issued, media outlets have been raided and searched, ploys have been used to disinform, and death threats have been made. Much of the Sri Lankan press is now censoring itself, either because of what Gota did in the past or what he is doing now as president. The report highlights that Sri Lanka is at 127th position among 180 countries in the index of media freedom.

3. Ninety-six academics representing the university community of Sri Lanka issued a collective statement denying detaining human rights lawyer Hijaz Hisbulla and Tamil language teacher and poet Ahnaf Jazim unfairly.

Ninety-six academics representing the university community of Sri Lanka issued a collective statement denying detaining human rights lawyer Hijaz Hisbulla and Tamil language teacher and poet Ahnaf Jazim unfairly.

The statement highlighted that the government should act to verify the trust of the justice system. The university academics pointed out that the release of Hijaz Hisbulla and Ahnaf Jazim were crucial for that. They further demanded to stop such anti-democratic measures immediately and to abolish the Prevention of Terrorism Act. (Source: <https://newsin.asia/96-top-lankan-academics-appeal-for-the-release-of-muslim-lawyer-and-poet>)

Table No. 06: January - July 2021: legal conditions - Number of incidents reported to FMM

Covered component	January - June 2021		July 2021
	New incidents	Developments of the previous incidents	
Security and safety	24		04
Legal conditions	27	02	06
Independence of media	01		01
Trends relevant to press freedom	01		-
Structural conditions	03		03

[Media Freedom Rights Monitoring Reports - 2021 January -July](#)

Postscript: FMM recognises press freedom as a human right based on national and international conventions and judgments. Freedoms of thought, conscience, religion and knowing others' opinion are human rights. On that basis, FMM identifies press freedom as a collection of the following ten components: 1) Freedom of thought, 2) Freedom to have opinions, 3) Freedom of expression, 4) Freedom to meet peacefully, 5) Freedom of information, 6) Freedom of audiovisual recording and storing records, 7) Freedom of publication, 8) press freedom, 9) freedom of the electronic media, 10) Freedom of the internet.

These freedoms are inter-connected, and blocking one freedom disturbs enjoying all the other freedoms. FMM also emphasises that misuse of these freedoms in an irresponsible and hateful manner is a wrong practice.

These monthly reports are prepared by FMM based on the study and analysis of information available for the organisation. For this analysis, FMM uses criteria selected through seven internationally recognised elements that cover the ten components mentioned above.

Media Freedom Rights Monitoring Desk Supported by Program on Independent Journalism



Free Media Movement

Convener | Seetha Ranjane +94 77 731 2460 | Secretary | Lasantha De Silva +94 71 166 7938
 Treasurer | Thaha Muzammil +94 77 374 1026
 No 96, Bernard Soysa Mw, Colombo 05. Tel: +94 112368895 Fax: +94 112368895;
 Web: www.fmmsrilanka.lk, www.mediareform.lk
 Email: fmmsrilanka@gmail.com | Facebook: <https://www.facebook.com/fmm.srilanka>
 Twitter: <https://twitter.com/FMMsrilanka> | #FMM25