

2021 August

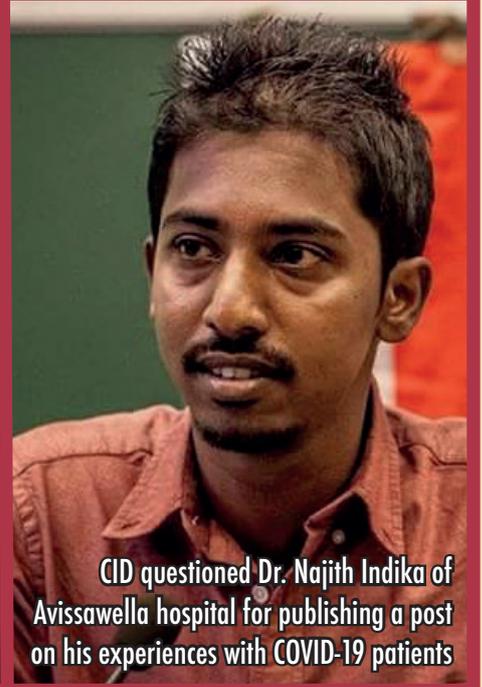
Issue No. 08



Dr. Jayaruwan Bandara was summoned to the CID to be questioned about a statement he made in a press briefing



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CID questioned Dr. Najith Indika of Avissawella hospital for publishing a post on his experiences with COVID-19 patients

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 August 2021, 17 incidents were reported. The tendency of police misusing various Acts and acting illegally was significant during this period. The activists of multiple sectors were questioned and occasionally arrested.

FMM issued a statement against arresting activists who engaged in protests while a collective of media organisations, including FMM, wrote two open letters to the Inspector General of Police regarding two incidents.

Incidents reported in August

1. Supreme Court issuing interim order against a new gazette notification under Prevention of Terrorism Act
2. Police arrested 44 persons, including 36 teachers, while returning after an agitation
3. The court rejected a request from police to ban a protest based on a letter sent by the Director-General of Health Services to the Inspector General of Police
4. A group who introduced themselves as police attempted to trespass the housing scheme in which the editor of Thamilan newspaper, R. Sivarajah resides
5. Journalist of Lankaenews website was arrested

- and detained for 90 days under the Prevention of Terrorism Act
6. The officials of the Criminal Investigation Department who raided the house of social media activist Thushara Wanniarachchi arrested the communication equipment that belonged to her and summoned her to CID for questioning
 7. 'Ada Derana' journalist Sumedha Sanjeewa was attacked by a civilian when he was engaged in a reporting task in Pelawatta area
 8. Criminal Investigation Department officials questioned Dr. Najith Indika of Avissawella hospital for publishing a post on his experiences with COVID-19 patients
 9. An Army official threatened journalist Vimukthi Dushantha concerning a post on his Facebook account regarding a news story published on the Army website
 10. Criminal Investigation Department arrested the chairman of the Jathika Sevaka Sangamaya trade union, Ananda Paltiha, due to a statement he made to the media
 11. Police started surveillance of Chatura Samarasinghe, chairman of Ceylon Estate Staffs' Union, who participated in a protest against Kotalawela Defense University Act
 12. Journalist Tharindu Uduwaragedara complained to the Inspector General of Police regarding persons who identified themselves as police
 13. Deputy Editor of Anidda newspaper, Lasantha Ruhunage, complained to the Inspector General of Police against an attempt to obtain his personal information in the guise of a telecommunication company
 14. Dr. Jayaruwan Bandara was summoned to the Criminal Investigation Department to question about a statement he made in a press briefing
 15. Right to Information Commission released a collection of orders related to public welfare to mark the fifth anniversary of the enactment of the Right to Information Act
 16. FMM launched the report '2020 Annual Report on Press Freedom; Incidents and Tendencies.'
 17. FMM held a public dialogue regarding the monthly 'Press Freedom Observation Report', which covered the past seven months. The theme of the dialogue was 'Freedom of Expression and Suppression.'

Table 1: Total number of incidents reported in August 2021

No.	Covered criteria	Number of incidents reported
01	Safety and security	08
02	Legal conditions	06
03	Structural conditions	03
	Total	17

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. Eight instances violating this freedom were reported in August, indicating the gradual development of an atmosphere adverse to press freedom and the freedom of expression.

Table No. 02: August 2021: Security and safety of journalists - seven incidents

No.	Incident	Number of reported incidents
01	Attacks	01
02	Threats	01
03	Mental harrasment	06
	Total	08

1. **‘Ada Derana’ journalist Sumedha Sanjeewa was attacked by a civilian when he was engaged in a reporting task in Pelawatta area**

‘Ada Derana’ provincial journalist Sumedha Sanjeewa was reporting about the difficulties faced by the consumers due to the shortage of LP gas when a civilian attacked him at the fuel station in Pelawatta. The attack was video recorded. Another civilian came for the safety of the journalist. The journalists’ camera was damaged, and he complained to Thalangama police station.

Source: <https://www.colomboxnews.com>

2. **A group who introduced themselves as police attempted to trespass the housing scheme in which the editor of Thamilan newspaper, R. Sivarajah resides**

Editor of Thamilan newspaper, R. Sivarajah, complained to the Inspector General of Police regarding two persons appearing as the officials of police Criminal Investigation Department (CID) attempting to enter the housing scheme where he resided around 2.30 a.m. on August 12.

The security officer of the housing scheme denied entry to the suspected persons. They tried to influence the security officer and threatened him when they failed. After that, they left the premises. Sivarajah enquired from the CID about this, and the officials there said to him that CID had sent no such persons.

Sivarajah said that he and his family and neighbours had been in fear due to this incident. He suspected threats to his life by some party. He mentioned in his Facebook account that this kind of threat could not stop his criticism of the government.

Source:

1. <https://theleader.lk> 2. <https://www.facebook.com>

3. **Criminal Investigation Department officials questioned Dr. Najith Indika of Avissawella hospital for publishing a post on his experiences with COVID-19 patients**

A post by Dr. Najith Indika on Facebook on 13th August about his experiences with the COVID-19 patients in Avissawella hospital was widely shared and grabbed the attention of the mainstream media. He mentioned that people were dying like flies and urged the readers to hide, if possible. Najith Indika is a social media influencer, and he was the former convener of the Inter-University Students’ Federation.

Two officials of the CID met him at the hospital on 15th August and questioned him. State Minister Channa Jayasumana mentioned his name in parliament. He advised the doctor to refrain from writing on Facebook and continue treating patients. Social media criticised the State Minister’s statement and how the pro-government media interpreted Najith Indika’s story.

Source:

1. <https://facebook.com>
2. <https://www.youtube.com>

4. **An Army official threatened journalist Vimukthi Dushantha concerning a post on his Facebook account regarding a news story published on the Army website**

An Army captain who identified himself as Chaminda Liyanage called journalist Vimukthi Dushantha regarding a post on his Facebook account regarding a news story published on the Army website. The journalist said that the military officer had threatened and tried influenced him. Vimukthi Dushantha is the editorial director of infosrilanka.lk website. He is also an executive committee member

of the Professional Web Journalists' Association. He has complained to the Army Commander, Inspector General of Police and the local and international organisations advocating press freedom and human rights regarding this incident.

Source:

1. <https://facebook.com> 2. <https://facebook.com>

5. Deputy Editor of Anidda newspaper, Lasantha Ruhunage, complained to the Inspector General of Police against an attempt to obtain his personal information in the guise of a telecommunication company

Deputy Editor of Anidda newspaper, Lasantha Ruhunage, complained to the Inspector General of Police against an attempt to obtain his personal information in the guise of a telecommunication company. He said that a woman who called his phone on August 14 saying she was representing a telecommunication company tried to obtain his personal information saying he had won a draw. When he inquired about the call from the relevant telecommunication service provider, he was informed that the call was fake. Ruhunage urged the Inspector General of Police to act against the racketeers who try to swindle money this way. However, people suspected whether that was an attempt to obtain the journalist's information in social media discussions about the incident.

Source: <https://satahan.blog>

6. Police started surveillance of Chatura Samarasinghe, chairman of Ceylon Estate Staffs' Union, who participated in a protest against Kotalawela Defense University Act

Chatura Samarasinghe, chairman of Ceylon Estate Staffs' Union, participated in a protest against Kotalawela Defense University Act organised by the Students' and People's Movement for Free Education held on August 3 at the Parliament roundabout. He stated on August 23 that police had started surveillance on him. Police came to his home and office but did not ask him to report to any police station. Also, neither fact has been reported to court, nor has any charge has been filed against him.

Police arrested student leaders under the charge that a police officer had been injured during this protest

and it is suspected that this surveillance is also a part of the investigation. Many trade unions protested this action, and on 06-08-2021, FMM also issued a statement protesting these arrests.

Source: 1. <https://yournews.lk>

7. Journalist Tharindu Uduwaragedara complained to the Inspector General of Police regarding persons who identified themselves as police

Journalist Tharindu Uduwaragedara complained in writing to the Inspector General of Police on August 24, regarding an attempt to obtain his personal information by appearing as police. Uduwaragedara is a freelance journalist associated with several media. He was a former editorial member of Ravaya and Anidda newspapers and presently an executive committee member of Sri Lanka Professional Journalists' Association.

He said that a female who introduced herself as a police officer attached to the Medical Officer of Health office of Kolonnawa called him and asked for personal information. When he inquired from the office, he was informed that no such information gathering was conducted, he mentioned this in his complaint.

8. Dr. Jayaruwan Bandara was summoned to the Criminal Investigation Department to question about a statement he made in a press briefing

Deputy Director of Medical Research Institute, Dr. Jayaruwan Bandara, has been summoned to appear before the Criminal Investigation Department to record a statement on an opinion he had expressed in a television programme. A panel of lawyers appearing for him requested 14 more days to appear for recording the statement, and CID agreed to it.

Dr. Jayaruwan Bandara expressed his views on deleting the data on the database of the National Medicines Regulatory Authority (NMRA). The summons was based on a complaint lodged by the chairman of NMRA, Dr. Rasitha Wijewantha and chairman of Pharmaceutical Corporation, Uthpala Chandrawansa.

Source: <https://yournews.lk>

Legal Conditions

Six incidents that are related to the criterion of legal conditions of press freedom were observed in August. The most significant trend in this month was police acting to violate the right of the citizens to organise and the freedom of expression. Positive developments such as the court rejecting the letter of the Director-General of Health Services that was used for suppressing dissent and court granting bail for a suspect highlighting the freedom of expression guaranteed by the constitution were observed.

Meanwhile, an order to detain a journalist for 90 days under the draconian Prevention of Terrorism Act (PTA) was obtained. Human rights defenders heavily criticise PTA.

Another positive move is that the court issued an interim order against the new gazette by the President under the PTA.

Table No. 03: August 2021: legal conditions - six incidents

No.	Incident	Number of reported Incidents
01	Initiating legal action	04
02	Constitutional safeguards for press freedom	01
03	Impartiality of the judiciary	01
	Total	06

1. Supreme Court issuing interim order against a new gazette notification under Prevention of Terrorism Act

The Supreme Court on August 5 issued an interim order suspending the implementation of regulations issued by President Gotabaya Rajapaksa under the Prevention of Terrorism Act. The Supreme Court issued the Interim Order suspending the operation of Prevention of Terrorism (De-radicalisation from holding violent extremist religious ideology) Regulations No. 01 of 2021, which was published by way of an extraordinary gazette notification on 12 March 2021. This Interim Order will be effective until 24 August, the next hearing date.

A three-member panel of Supreme Court judges issued this interim order considering three fundamental rights petitions filed by journalists and human rights activists Ruwan Laknath Jayakodi, Kavindya Christopher Thomas, Dr. Pakyasothy Saravanamuttu (Executive Director of Centre for Policy Alternatives) and Shiran Sanura.

Source: <https://www.lankaviews.com>

2. Police arrested 44 persons, including 36 teachers, while returning after an agitation.

Police arrested 44 persons, including 36 teachers, on

August 4 as they were returning from a protest. They were held in Colombo Harbour police station and produced in Colombo Fort magistrate court the next day. Police wanted them subjected to PCR tests, but the magistrate released them on personal bail.

FMM issued a statement on August 06 criticising illegal arrests by police that violating freedoms of expression and publication. FMM questioned whether the government was trying to create terror among people and undermine the people's voice regarding the common issues.

FMM further protested the arrest of Convener of Inter-University Students' Federation (IUSF) Wasantha Mudalige, chairman of the Students' Association of Sri Jayawardenepura University Amila Sandeepa and political activists Chameera Koswatta and Koshila Hansamali.

Source: www.fmmsrilanka.lk

3. The court rejected a request from police to ban a protest based on a letter sent by the Director-General of Health Services to the Inspector General of Police

Gampaha Chief Magistrate Manjula Karunarathna ruled that protests could not be banned using the letter the Director-General of Health Services sent to police.

This judgment rejected an order requested by the Officer-in-Charge of Bemmulla police station requesting an order to stop a march by the teachers and the principals regarding the salary issue.

The magistrate mentioned in his ruling that the freedoms of peaceful meeting, expressing opinions and movement guaranteed under section 14 of the constitution can be restricted only under section 15 of the constitution only if the provisions are available. The magistrate further stated that the facts mentioned in the letter sent by the Director-General of Health Services to the Inspector General of Police on 6th July could not be regarded as health regulations which were in line with articles 2 and 3 of 1987 No. 03 Quarantine and Disease Prevention Ordinance.

Bar Association of Sri Lanka and many other parties criticised the use of the letter mentioned above by police to suppress protests.

Source:

1. <https://medialk.com>

4. Journalist of Lankaenews website was arrested and detained for 90 days under the Prevention of Terrorism Act

Lankaenews journalist Keerthi Rathnayaka was summoned to Kollupitiya police station to question about information provided by him to the Indian High Commission and Colombo Crimes Division arrested him. He was held for three days under the Prevention of Terrorism Act, and later the detention period was extended up to 90 days. Counsel Upul Kumarapperuma appearing for Keerthi Rathnayaka's rights, said police had not explained the reasons for the detention under the Prevention of Terrorism Act.

The lawyer requested the Bar Association of Sri Lanka to mediate to prevent Keerthi Rathnayaka from being taken to Kandy because it would threaten his life. Accordingly, the Bar Association of Sri Lanka informed about it to the Human Rights Commission and the Inspector General of Police. Former Speaker Karu Jayasuriya issued a statement regarding this arrest and said it was like shooting the messenger.

Writing a letter to the Inspector General of Police regarding arresting Keerthi Rathnayaka, FMM requested him to explain the reasons for arresting the journalist. On August 26, the International Federation of Journalists (IFJ) issued a statement

urging the government to refrain from using the Prevention of Terrorism Act to silence journalists. IFJ further urged the government to release journalist Keerthi Rathnayaka.

Source:

1. <https://len-official.blogspot.com>
2. <https://www.fmmsrilanka.lk>
3. <https://www.ifj.org>

5. The officials of the Criminal Investigation Department who raided the house of social media activist Thushara Wanniarachchi arrested the communication equipment that belonged to her and summoned her to CID for questioning

Criminal Investigation Department officials raided social media influencer and freelance journalist Thushara Wanniarachchi's house at 3 a.m. on August 15 and arrested her laptop, phone, memory cards etc. A second-team questioned her on August 16. The police have failed to explain the legality of searching her house and arresting equipment. Neither facts reported to the court nor a search warrant had been obtained. A receipt has been issued for the arrested equipment. She was summoned to the Colombo Crime Division on August 17 and questioned in relation to journalist Keerthi Rathnayaka's investigation under the Prevention of Terrorism Act.

The incident related to journalist Thushara Wanniarachchi is mentioned in the letter sent by the Collective of Media Organisations to the Inspector General of Police regarding the arrest of journalist Keerthi Rathnayaka. International Federation of Journalists also mentioned her in their statement.

Source:

1. <https://facebook.com>
2. <https://www.ifj.org>

6. Criminal Investigation Department arrested the chairman of the Jathika Sevaka Sangamaya trade union, Ceylon Petroleum Corporation Ananda Paltiha, due to a statement he made to the media

On August 20, Criminal Investigation Department arrested the chairman of the Jathika Sevaka Sangamaya trade union, Ceylon Petroleum Corporation Ananda Paltiha, due to a statement he made to media on August 19, saying he had made a false statement that

the country would face a fuel shortage.

A manager of the Ceylon Petroleum Corporation complained to police that Palitha's statement had caused public calamity.

He was produced before Aluthkade Magistrate Court on August 22 and released on two personal bails of Rs. one million each. Police opposed granting him bail, but the additional magistrate Lochana Abewickrama said that a person could not be held in custody for expressing ideas based on facts since freedom of expression is guaranteed by section 14(1) of the constitution.

Seven lawyers, including President's Counsels led by Srinath Perera, PC, argued that Palitha's statement had not caused public calamity, but the Petroleum Minister's request to use fuel thriftily and the government's curfew announcement had compelled the consumers of fuel to panic buying. The lawyers also pointed out that the source of Palitha's facts had been the database of the Ceylon Petroleum Corporation.

Source:

1. <https://newswave.lk>
2. <https://www.newsfirst.lk>

Structural conditions

Under structural conditions, six potential indices relevant to the entire media structure and environment are considered under this criterion. In August 2021, three incidents related to 'active support from the monitoring groups for media freedom' were observed. Two of them were directly conducted by FMM.

Table No. 04: August 2021: Structural conditions - Three incidents

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

1. **Right to Information Commission released a collection of orders related to public welfare to mark the fifth anniversary of the enactment of the Right to Information Act**
2. **FMM launched the report '2020 Annual Report on Press Freedom; Incidents and Tendencies.'**

Right to Information Commission released for public reference a collection of orders related to public welfare, indexed as per the topics, to mark the fifth anniversary of the enactment of the Right to Information Act.

The tabulation of 597 Right to Information Commission Orders (Sinhala language summary) as per the United Nations Sustainable Development Goals (UN-SDGs), 2017-2020 and 1,773 Right to Information orders (English language summary) were among them.

Related links:

1. <http://www.rticommission.lk/article1>
2. <http://www.rticommission.lk/article2>

'Media Freedom in Sri Lanka -2020' Annual Report in Sinhala, Tamil and English languages were launched. The report includes the identification and analysis of events and tendencies that challenged media freedom in 2020. Attorney-at-Law Viranjana Herath compiled the report on behalf of FMM.

Report and details: <http://www.fmmsrilanka.lk>

3. **FMM held a public dialogue regarding the monthly 'Press Freedom Observation Report', which covered incidents in the past seven months. The theme of the dialogue was 'Freedom of Expression and Suppression.'**

FMM held a public dialogue on 25th August from 4 p.m. to 6 p.m. online based on the monthly 'Press Freedom Observation Report' covering incidents in

the past seven months. The theme of the dialogue was 'Freedom of Expression and Suppression.' Executive Committee member of Bar Association of Sri Lanka, Attorney-at-law Upul Kumarapperuma, social activist and lawyer Kaushalya Ariyaratna and

Executive Committee member of FMM Attorney-at-law Viranjana Herath addressed the dialogue. The discussion highlighted the need for seeking collective solutions for the challenges against press freedom.

Table No. 05: January - August 2021: legal conditions - Number of incidents reported to FMM

Covered criterion	January - July 2021		August 2021
	New incidents	Developments of the previous incidents	
Security and safety	29	-	08
Legal conditions	31	04	06
Independence of media	02	-	-
Trends relevant to press freedom	01	-	-
Structural conditions	03	-	03
Total	66	04	17

[Monthly reports on press freedom from January to August 2021](#)

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.

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