

2021 September

Issue No. 09



2nd November 2021 to hear the case on the murder of Sunday Leader editor Lasantha Wickramatunga at Hague.



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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 relevant to press freedom, and other incidents related to the freedom of expression of journalists and the public. FMM observed 12 violations of the citizens' right to freedom of expression that occurred in September 2021, which are in line with the monitoring scope of FMM. Parliament approved the emergency regulations that affect all the freedoms of the citizens. The Criminal Investigation Department (CID) summoned several journalists for questioning. The Collective of Media Organisations, including FMM, issued a statement criticizing these policies of the government.

Incidents reported in September 2021

1. Police assaulted freelance journalist Shahirkhan Farook of Ampara and damaged his camera.
2. President imposed emergency regulations, and the parliament approved it with a majority vote.
3. Police questioned Batticaloa journalist and social activist Punyamurthi Sasikaran.
4. The bereaved party expressed discontent about the response received from the Office of Missing Persons regarding the complaint lodged regarding the disappearance of journalist Prageeth Ekneligoda.
5. Young Journalists' Association of Sri Lanka conducted a series of online discussions regarding the Prevention of Terrorism Act (PTA) and the emergency regulations.
6. Court ruling on election malpractices case in which the information received the Right to Information (RTI) requests were used as evidence.
7. Court ordered to keep the five arrested activists

- for protesting against the Kotalawela Defense University Act further in remand.
8. FMM held an open discussion (based on the election malpractices case) to mark the International Day for Universal Access to Information.
 9. A delegation of the European Union visited Sri Lanka to study the human rights conduct of the country.
 10. CID summoned a group of journalists including the editors of Lankadeepa, Divaina and The Island newspapers to question reports on massive corruption in state enterprise Sathosa.
 11. Model Chula Pathmendra was summoned to CID to question regarding a telephone call to her made by arrested Lanka-e-News journalist Keerthi Rathnayaka.
 12. The People's Tribunal on the Murder of Journalists fixed dates on 2nd November 2021 to hear the case on the murder of Sunday Leader editor Lasantha Wickramatunga at Hague.

Table No. 1
Total number of incidents reported in September 2021

No.	Covered criteria	Number of incidents reported
01	Safety and security	05
02	Legal conditions	04
03	Structural conditions	02
04	Professionalism	01
	Total	12

Safety and security of the 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 peacefully meeting, protesting and agitating also include in the freedom of expression. Five incidents of violation of these freedoms were reported in September. Although criminal defamation has been removed from the legal system, a tendency of journalists and editors summoning to CID based on the complaints from the MPs and Ministers was observed. The behaviours were similar to the acts during the time the criminal defamation had been legalized.

Table No. 2
Safety and security of the journalists - 05 incidents in September 2021

No.	Incident	Number of reported incidents
01	Attacks	01
02	Psychological influence	04
	Total	05

1. Police assaulted freelance journalist Shahirkhan Farook of Ampara and damaged his camera

Officers of Akkaraipattu police station assaulted freelance journalist Shahirkhan Farook of Ampara on September 2 and damaged his camera. Later, he

was bundled into a police vehicle and taken to the police station.

Police assaulted him while travelling from his home in Attalachchenai accusing him of not properly wearing the mask. He was held in the police station for about

two hours and released. The officers who assaulted him apologized and promised to compensate for the damage to his camera. However, they did not act as they agreed, and the journalist has now complained to the Human Rights Commission.

Source: theleader.lk

2. Police questioned Batticaloa journalist and social activist Punyamurthi Sasikaran.

Police questioned Batticaloa journalist and social activist Punyamurthi Sasikaran on September 14 for about an hour at the Special Criminal Investigation Unit in Batticaloa's Senior Superintendent of Police office. The journalist said that the police questioned him to ascertain whether the Ceylon News website had interviewed him before publishing a story about an attempt to arrest him.

Sasikaran said. "I told the police that I had told to media on August 23 after making a statement to police that I suspected an attempt to arrest me. I said so because of the repeated questioning. The story was based on that statement."

Police questioned Sasikaran several times previously under suspicion that he had organized a meeting to commemorate the fishermen allegedly killed by Sri Lanka Navy. He told to media that he had not been an organizer of the event. He has complained to the Human Rights Commission due to repeated questioning.

Source: theleader.lk

3. The bereaved party expressed discontent about the response received from the Office of Missing Persons regarding the complaint lodged regarding the disappearance of journalist Prageeth Ekneligoda.

Sandya Ekneligoda, wife of disappeared journalist Prageeth Ekneligoda expressed discontent about the response received from the Office of Missing Persons (OMP) regarding the complaint lodged about the disappearance of her husband. OMP has informed her that information is insufficient.

Writing a letter to OMP, Sandya Ekneligoda pointed out, "Present chairman of OMP, Upali Aberathna, when he was the chairman of the Presidential Commission to Investigate the Political Reprisals, recommended the accused of two cases (HC 209/19 and HC (TAB) 725 /19) acquitted and the CID officials who conducted investigations penalized." She further said that she had not been summoned before the commission.

This incident shows that the appointment of an official who recommended the accused of two internationally-focused cases of disappearances with clear evidence acquitted as the chairman of OMP leads to the breach of trust in that institute.

Source: yournews.lk

4. Model Chula Pathmendra was summoned to CID to question a telephone call to her made by arrested Lanka-e-News journalist Keerthi Rathnayaka.

Model Chula Pathmendra was summoned to CID and questioned for three hours regarding a telephone call to her made by Lanka-e-News journalist Keerthi Rathnayaka who is held under the Prevention of Terrorism Act (PTA). She was informed to appear before CID again on October 2, but the reason had not been informed.

Pathmendra said to CID that she would answer telephone calls from journalists, and she had no other relationship with Keerthi Rathnayaka except the explanation she had made regarding the controversial incident at Mrs. Sri Lanka 2020 pageant.

Keerthi Rathnayaka has been detained for over 50 days under PTA for providing information to Indian High Commission. Following a study of his telephone details, social media influencer Ms. Thushara Wanniarachchi was also questioned.

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

5. CID summoned a group of journalists including the editors of Lankadeepa, Divaina and The Island newspapers to question reports on massive corruption in state enterprise Sathosa.

On September 30, CID summoned a group of journalists including the editors of Lankadeepa, Divaina and The Island newspapers to question about reports on massive corruption in state enterprise Sathosa, exposed by former Executive Director Thushan Gunawardana. CID mentioned in the notice sent to the journalists that the summons was due to a complaint by Minister Bandula Gunawardana.

It was later reported that the Prime Minister had instructed police not to summon journalists to CID. However, a CID team visited the Lankadeepa office on September 28 to record the statements. Later, the Ministry of Public Security issued a statement saying that Minister Sarath Weerasekera had instructed the Inspector General of Police (IGP) to conduct an investigation regarding the police officers who had

not obeyed the orders not to question journalists and editors.

The Collective of Media Organizations, including FMM, said in an announcement about the incident

that it was a shameful attempt to safeguard corrupted elements by hunting journalists and preventing the exposure of corruption

Legal Conditions

Four incidents relevant to the legal criterion of press freedom was reported in September. One of the major incidents was imposing emergency regulations that challenged all democratic rights of the citizens. The judgment of the election malpractices case in Monaragala was a positive development regarding the Right to Information for social progress. The start of an international investigation on the assassination of journalist Lasantha Wickramathunga is another positive development related to the criterion of Immunity pertaining to the crimes against journalists

Table No. 3
Legal conditions - 04 incidents in September 2021

No.	Criterion	Number of incidents reported
01	Legal action	01
02	Legal restrictions that affect press freedom	01
03	Right to Information	01
04	Immunity related to the crimes against journalists	01
	Total	04

1. President imposed emergency regulations, and the parliament approved it with a majority vote.

The parliament passed President's gazette on emergency regulations under Public Security Ordinance with 81 majority votes on September 6.

MPs of Samagi Jana Balavegaya, Jathika Jana Balavegaya and Tamil National Alliance voted against the bill.

President and the government argue that emergency regulations are required due to the barriers to supplies and essential services. The parties that oppose this view say that despite the proclaimed objective, emergency regulations may seriously challenge the democratic rights of the people. They have also pointed out other legal avenues to achieve the stated aim of guaranteeing supplies and essential services. The statement issued by Jathika Jana Balavegaya also highlights these facts.

Source: 1. sinhala.srilankabrief.org 2. hirunews.lk

2. Court ordered to keep the five arrested activists for protesting against the Kotalawela Defense University Act further in remand.

On September 21, Kaduwela Magistrate Court ordered to keep the five student and political activists who were arrested for protesting against the Kotalawela Defense University Act further in remand for 14 more days. Koshila Hansamali of Sisujana Movement, Administrative Secretary of Frontline Socialist Party Chameera Koswatta, Chairman of the Student Union of Sri Jayawardanapura University Amila Sandeepa, Convener of Inter-University Students' Federation Wasantha Mudalige and Heshan Harshana of Rajarata University were thus remanded due to police objection for releasing them on bail. Bail applications have been filed for them in Homagama High Court.

Police have framed charges against them under the Public Property Act for causing Rs. 179,000 damage to public property by burning a cardboard replica of

a coffin during a protest on August 3 near parliament. Although police said on the first day they were produced in court that the arrests had been made based on photos and videos of their behaviour, police have failed to produce them in court. Four of the remanded persons were infected with COVID-19 in prison, and their health was at risk. FMM issued a statement in August pointing out that the way the protestors were arrested had been a threat to the freedom of expression.

Source: yournews.lk

3. Court ruling on election malpractices case in which the information received the Right to Information (RTI) requests were used as evidence.

On September 13, Judge Ranga Dissanayaka of Monaragala High Court delivered a judgment on an election malpractices case in which the information received the Right to Information (RTI) requests had been used as evidence.

The case was filed by a candidate who was affected due to the bribes given by a rival candidate during the local government elections in Monaragala district. The High Court ruled that the election of the accused candidate was annulled.

The case was filed with the support of election monitoring bodies PAFFREL and the Center for Monitoring Election Violence (CMEV). Media and

civil society appreciated this judgment as a juncture of the election history of Sri Lanka, and also an instance the importance of the Right to Information was highlighted.

4. The People’s Tribunal on the Murder of Journalists fixed dates on 2nd November 2021 to hear the case on the murder of Sunday Leader editor Lasantha Wickramatunga at Hague.

Center for Protecting Journalists (CPJ) announced on September 28 that the People’s Tribunal on the Murder of Journalists had fixed dates on 2nd November 2021 to hear the case on the murder of Sunday Leader editor Lasantha Wickramatunga at Hague. The assassination took place 12 years ago in Sri Lanka.

The People’s Tribunal on the Murder of Journalists, a grassroots level mechanism for justice, will indict the governments of Sri Lanka, Mexico and Syria for failing to deliver justice for the murders of Lasantha Wickrematunge, Miguel Ángel López Velasco, and Nabil Al-Sharbaji.

The hearing was requested by prominent free media associations, Free Press Limited (FPU), Reporters Sans Frontiers (RSF) and Center for Protecting Journalists (CPJ).

Source: cpj.org

Structural conditions

Structural conditions are another criterion considered concerning press freedom. Structural conditions include six potential indices related to the entire media system and the environment that guarantees press freedom. Three incidents related to the index ‘active support for press freedom by monitoring groups’ were monitored during September. The visit of a European Union delegation in Sri Lanka to study the human rights conduct of Sri Lanka was a factor with positive influence to press freedom.

Table No. 4
Structural conditions - 03 incidents in September 2021

No.	Criterion	Number of reported incidents
01	Active support for press freedom by monitoring groups	03
	Total	03

1. Young Journalists’ Association of Sri Lanka conducted a series of online discussions regarding the Prevention of Terrorism Act (PTA) and the emergency regulations.

In September, Young Journalists’ Association of Sri Lanka conducted a series of online discussions regarding the Prevention of Terrorism Act (PTA) and the emergency regulations that challenge press freedom and democratic rights.

The first discussion was held on September 10 and a dialogue based on a presentation of Attorney-at-Law Monori Muttettuwegama on the ‘History of the Prevention of Terrorism Act (PTA)’.

The dialogue on emergency regulations was held on September 11 under the patronage of Dr. Deepika Udagama, senior journalist Poddala Jayantha and Attorney-at-Law Jagath Liyanaarachchi.

Sri Lanka Press Institute (SLPI) organized two seminars in Sinhala and Tamil languages, on September 23 and 24 under the theme ‘emergency regulations and media’.

2. FMM held an open discussion (based on the case on the election malpractices case) to mark the International Day for Universal Access to Information.

FMM organized an open online discussion on 6 p.m., 25 September, to mark the International Day for Universal Access to Information.

The dialogue was based on the case on the election malpractices in which Right to Information was used

to provide evidence (the case was mentioned before).

The orators of the dialogue were Rohana Hettiarachchi, Executive Director of PAFFREL, M.T.M. Maheez, senior lecturer of the Social Sciences Department of Colombo University, Yogeshwari Krishnan, Project Manager of Kandy Social Development Institute and Suranga Rupasinghe, Project Manager of Kantale National Solidarity Development Foundation.

Source: wedabima.lk

3. A delegation of the European Union visited Sri Lanka to study the human rights conduct of the country.

A special delegation of the European Union visited Sri Lanka from September 27 to October 5 to study the human rights conduct of the country. The delegation met government, political party, trade union, civil society, employers’ and UN representatives.

European Parliament passed a resolution in mid-June to revoke GSP+ concessions and assistance for anti-terrorism operations unless the country promises to abolish the Prevention of Terrorism Act (PTA) and defend human rights.

The European Parliament specially focused on the suppression of press freedom in its resolution. Sri Lanka was reprimanded for the use of PTA to suppress the minority communities, disappearances, killings in custody, child labour, violation of labour rights, and the European Parliament urged Sri Lanka to establish the rule of law.

Table No. 5: Incidents reported to FMM from January to September 2021

Covered criterion	January - August 2021		September 2021
	New incidents	Developments of the previous incidents	
Security and safety	37	-	05
Legal conditions	37	04	04
Independence of media	02	-	-
Trends relevant to press freedom	01	-	-
Structural conditions	06	-	03
Total	83	04	12

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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