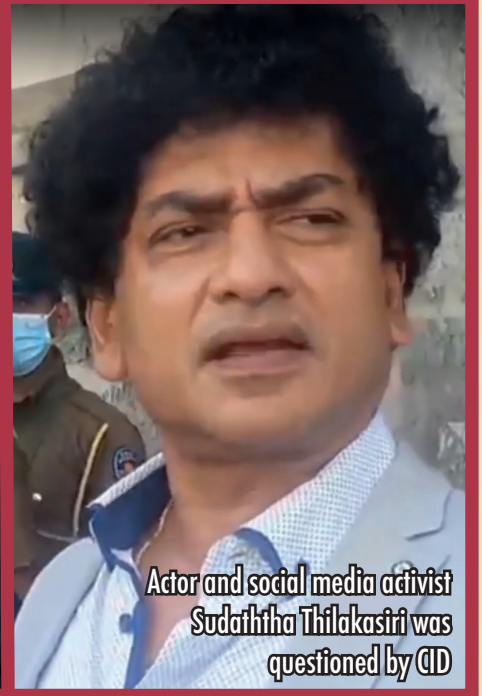


**2022** January

Vol. 02 - Issue No. 01



**'During times of social crisis, Media freedom contributes to a crucial social transformation.'**

- Global Campus of Human Rights in a Twitter message

As a result of interventions for equal access of all the citizens for fundamental and human rights, we have reached an age of rights. Universal Declaration of Human Rights (1945), International Convention on Civil and Political Rights (1967), International Convention on Economic, Social and Cultural Rights (1967), alternate protocols, and the fundamental rights included in the legal system of Sri Lanka can be identified as citizens' victories in the age of rights era.

However, these victories have been challenged by the rules, regulations, and practices introduced to limit the horizons of the citizens' freedom amidst the growing socio-economic, political, environmental and health crises. Some of these unilateral decisions recall the feudal ruling systems.

Reiterating the historical duty of media freedom in terms of helping the citizens emerge from crises, in 2022, FMM hopes that the national, regional and international solidarity may further strengthen Media freedom so as to broaden the horizons of freedom.

- Free Media Movement (FMM)

**This monthly report includes briefs on incidents related to press freedom, follow-up of previous incidents and relevant observations. We have also focused on new incidents related to freedom of speech and expression of people, new laws, and the international community's responses. In January 2022, FMM observed 17 incidents relevant to the scope/ criteria selected by FMM to monitor press freedom. They include five incidents related to the security and safety of journalists, seven incidents related to the criteria of legal conditions and five incidents relevant to the structural conditions.**

## Incidents reported in January

1. A social media activist who was alleged to share a video in which people jeer the President was questioned by Criminal Investigation Department (CID).
2. Human Rights Commission of Sri Lanka questioned a statement by the police media spokesman on freedom of expression in an interview with Divaina newspaper.
3. Hashtag Generation conducted an open dialogue on law, freedom of expression and democracy on its Facebook page.
4. Two judges of the Court of Appeal withdrew from examining the petition by the Secretary-General of Parliament against an order by the Information Commission.
5. Colombo District Court issued an injunction against YouTube LLC and the Colombo Today YouTube channels.
6. Yasiru Kuruwitige, President of the Information Technology Society of Sri Lanka (ITSSL), filed a fundamental rights petition in the Supreme Court challenging his arrest and detention for sharing an opinion.
7. Actor and social media activist Sudaththa Thilakasiri was summoned and questioned by CID regarding his opinions on social media.
8. A settlement was achieved in the case filed by writer and political activist Gamini Viyangoda against Aruna newspaper.
9. Immigration and Emigration Authorities prevented former Executive Director of Consumer Affairs Authority (CAA) Thushan Gunawardane from travelling abroad. Gunawardane previously exposed several severe corruptions and malpractices.
10. A complaint was lodged at the Human Rights Commission of Sri Lanka against further detaining poet Ahnaf Jazeem even after the Puttalam High Court had granted him bail.
11. Mankulam Police obstructed journalist Shanmugam Thavaseelan in performance of his duties while reporting outside the Mankulam court complex.
12. In its World Report 2022: Sri Lanka, Events of 2021, Human Rights Watch criticized the human rights conduct of the government of Sri Lanka.
13. Sandya Ekneligoda, the wife of disappeared journalist Prageeth Ekneligoda, shaved her long hair and performed a religious ritual to protest the failure of Justice for her husband even 12 years after his disappearance.
14. The Minister of Justice stated in a press conference that the right to strike of the workers of several bodies and fields should be banned by the constitution.
15. FMM conducted an online seminar under the theme 'Justice for the assassinated, disappeared, attacked and intimidated journalists'.
16. A programme to commemorate and seek justice for the journalists who had been disappeared, tortured and killed due to exercising their right to freedom of expression was held in Colombo.
17. The authority of the Kurunegala Municipal Council obstructed journalist Chandani Dissanayaka from performing her duties.

Table 1: Total number of incidents reported – January 2022

Covered criteria	Number of incidents reported
Safety and security	05
Legal conditions	07
Structural conditions	05
<b>Total</b>	<b>17</b>

## Safety and security

An environment in which journalists can perform their duties with physical and mental integrity is a fundamental condition of media freedom. To safeguard media freedom and freedom of expression, people must enjoy the freedom of expression through media or any other means without repercussions. Freedom of peaceful meeting, protesting and agitating are also included in the freedom of expression. Unfortunately, five instances of violation of these freedoms were reported in January 2022.

Table 2: January 2022: Safety and security of journalists - 5 incidents

Covered criteria	Number of incidents reported
Mental impact	05
<b>Total</b>	<b>05</b>

1. A social media activist who was alleged to share a video in which people jeered the President was questioned by Criminal Investigation Department (CID).

Social media influencer Asha Dilrukshi Perera conducted a press conference and said that a team of 15 officials of the CID had taken her to the CID and questioned her about sharing a video in which people jeered the President. She further said that CID had copied all the data in her phone despite her protests. A police media spokesman later verified that those police officers had told her that sharing content that might insult the President would be a criminal offence. This argument caused a debate in the media.

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

2. Actor and social media activist Sudaththa Thilakasiri was summoned and questioned by CID regarding his opinions on social media.

Actor and social media influencer Sudantha

Thilakasiri was questioned based on a complaint lodged by an organization called 'Ratata Hithathi Kalakaruwo (Patriot Artists)'. The complaint alleged that the programme Talk with Sudantha and his other social media activities had caused contempt for the government.

His statement was recorded for about four hours on 15 January 2022. His lawyers were not allowed to be present.

Sources: 1. <https://divaina.lk>  
2. <https://www.youtube.com>

3. Immigration and Emigration Authorities prevented former Executive Director of Consumer Affairs Authority (CAA) Thushan Gunawardane from travelling abroad. Gunawardane previously exposed several severe corruptions and malpractices.

When he arrived at Katunayaka airport on 22 January, Immigration and Emigration Authorities informed the former Executive Director of CAA that his passport had been impounded due to a case against him in Welisara court. However, Thushan

Gunawardane later said in a press conference that he had been unaware of such a case and later understood that he had been named as a suspect in the garlic fraud of Sathosa that he had exposed.

He stated that he would file a fundamental rights petition against the relevant authorities. He further said that although he had informed the CID about the threats against him after exposing the fraud, no action had been taken.

Source: <https://island.lk>

**4. Mankulam Police obstructed the performing of his duties by journalist Shanmugam Thavaseelan who was engaged in reporting outside of the Mankulam court complex.**

Police obstructed the journalist on 29 January, as he was photographing the name board of Mankulam court from outside the court building for a reporting purpose. Journalist Thavaseelan said that the media

identity card he produced was taken into police custody, saying it would be passed to the judicial officers. He accused the police of photographing him with their mobile phones. The journalist has complained to the Human Rights Commission of Sri Lanka.

Source: FMM Media Rights Monitoring Desk

**5. The authority of the Kurunegala Municipal Council obstructed journalist Chandani Dissanayaka from performing her duties.**

Journalist Chandani Dissanayaka told FMM that the staff of the weekly fair at Kurunegala obstructed and embarrassed her in public as she was taking videos covering the waste management problem there. The journalist complained to the Commissioner of the Municipal Council. The official informed her that even the waste was the council's property, and prior permission was necessary for photographing.

## Legal conditions

Seven incidents related to the criterion of legal conditions for media freedom were reported in January 2022. The significant constructive developments are the Human Rights Commission of Sri Lanka starting a probe regarding a statement by the police media spokesman. Several persons who claim that their fundamental rights were violated will be taking legal action.

Table 3: January 2022: Legal conditions - incidents 07

Covered criteria	Number of incidents reported
Legal actions	05
Proposals for legal reform	01
Right to information	01
<b>Total</b>	<b>07</b>

**1. The Human Rights Commission of Sri Lanka questioned a statement by the police media spokesman on freedom of expression in an interview with Divaina newspaper.**

Police media spokesman, Senior Superintendent of Police Nihal Thalduwa, said to the Divaina newspaper on 03 January that any statement that insults the

President could not be made or shared. The Human Rights Commission of Sri Lanka inquired from him about this statement. The police media spokesman said that he had not made such a comment, and the editor-in-chief of Divaina newspaper had informed him in writing. The commission instructed him to submit an affidavit.



The statement of the police media spokesman appeared in a report by Divaina newspaper about the CID questioning a woman for sharing a video in which some persons were jeering the President.

Source: <https://medialk.com>

**2. Two judges of the Court of Appeal withdrew from examining the petition by the Secretary-General of Parliament against an order by the Information Commission.**

The Secretary-General of Parliament in the Court of Appeal filed a petition challenging an order from the Information Commission to release the assets and liabilities declarations of Members of Parliament. The hearing was held on 11 January.

Two judges of the Court of Appeal announced that they would withdraw from the hearing. Accordingly, the petition was directed to the President of the Court of Appeal.

The petition was filed by Secretary-General of Parliament Dhammika Dissanayaka and Deputy Secretary-General K.A. Rohanadheera, claiming that the order of the Information Commission was against the law and they were therefore seeking a writ for annulment of the order.

Sources: 1. <https://ceylontoday.lk>

2. <http://www.rticommission.lk>

**3. Colombo District Court issued an injunction against YouTube LLC and the Colombo Today YouTube channels.**

On January 4, Colombo District Court issued an injunction order preventing YouTube LLC, the parent company in California, and Colombo Today (YouTube Channel), from publishing a defamatory video on YouTube that could tarnish the reputation of the Russian Education Center (REC Campus) in Sri Lanka.

The plaintiff maintained that he had been compelled to initiate legal action against the defendants since they recklessly refused to remove the video despite complaints and legal notices. Accordingly, the matter was fixed for argument on 23 March 2022.

Source: <https://counterpoint.lk>

**4. Yasiru Kuruwitige, President of Information Technology Society of Sri Lanka (ITSSL), filed a fundamental rights petition in the Supreme Court challenging his arrest and detention for sharing an opinion.**

Chairman of Information Technology Society of Sri Lanka (ITSSL) Yasiru Kuruwitige filed a Fundamental Rights petition in the Supreme Court challenging his arrest and detention for sharing an opinion regarding a cyber attack on the "gov.lk" domain websites, including the Presidential Secretariat website. Kuruwitige claimed that the action violated his freedom of thought and expression.

The petitioner states that he was arrested on 07 June 2021, and CID failed to produce him before the Magistrate without undue delay. He further alleged that the prosecution made a wrongful application to remand the Petitioner until the conclusion of the purported investigations despite admitting that the charges levelled may not ex-facie be sustainable.

He further alleged that he was held in remand custody even after bail was granted on the purported necessity of a negative PCR test. The Petitioner states that his mobile phone and laptop computer have been handed over to the custody of Court, and he has been unable to obtain the release of this equipment to date.

Source: <https://counterpoint.lk>

**5. The settlement was achieved in the case filed by writer and political activist Gamini Viyangoda against Aruna newspaper.**

Activist Gamini Viyangoda filed a civil defamation case against Liberty Publishers Pvt. Ltd., Editor-in-Chief of weekend Aruna newspaper Mahinda Illeperuma and journalist Surekha Samarasena claiming he was subjected to injustice by a story in the newspaper titled 'Leaders of Purawesi Balaya benefitted by Good Governance; how Dambara Amila, Sarath Wijesuriya, Gamini Viyangoda and Saman Rathnapriya earned money.'

When the case was taken for hearing before Colombo District Court judge Aruna Aluthge on January 18, the parties agreed for a settlement on condition of publishing an apology in the Aruna newspaper.

Source: <https://theleader.lk>

**6. A complaint was lodged at the Human Rights Commission of Sri Lanka against further detaining poet Ahnaf Jazeem even after Puttalam High Court granted him bail.**

Poet and teacher Ahnaf Jazeem filed a petition in the Puttalam office of the Human Rights Commission of Sri Lanka against his detention for more than 18 months for writing and publishing a poetry collection.

Puttalam High Court granted him bail on 15 December 2021 but he claimed he was held more than 24 hours further, even after the bail conditions were fulfilled.

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

**7. The Minister of Justice stated in a press conference that the right of the workers of several bodies and fields to strike should be banned by the constitution.**

Minister of Justice Ali Sabry, participating in a

programme on Neth FM radio, said on 27 January that the right to strike of the employees of the Ports Authority, Customs Department, Water Supply and Drainage Board, Ceylon Electricity Board, Ceylon Petroleum Corporation and the medical field should be abolished.

The National Labour Advisory Council, comprising 11 trade unions, vehemently protested this statement through a communique. They claimed that the right to strike and collective bargaining were universal rights. Therefore, Sri Lanka was bound to safeguard those rights under the constitution, International Labour Organization (ILO) conventions numbered 87 and 98, and under the United Nations Universal Declaration on Human Rights.

‘Sadharana Samajayak National Movement’, led by former Speaker Karu Jayasuriya, said that the Justice Minister’s statement was a severe blow to democracy.

Source: <https://theleader.lk>

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## Structural conditions

This dimension contains all the indicators dealing with the general structure of the media system as well as with the overall enabling environment for the media freedom.

Five instances related to the covered criterion of 'Support of the monitoring groups for media freedom' were observed in January 2022. Several active programmes were held to mark Black January to commemorate the abducted, tortured, and disappeared journalists. In addition, a controversial action by Sandya Ekneligoda addressing the delay of Justice caught wide attention.

Table 4: January 2022: Structural conditions - incidents 05

Covered criteria	Number of reported incidents
Support of the monitoring groups for press freedom	05
<b>Total</b>	<b>05</b>

**1. Hashtag Generation conducted an open dialogue on law, freedom of expression and democracy on its Facebook page.**

'Can those who jeer be jailed?' was the theme of the

dialogue held on 09 January. The recent incident that triggered the debate was a statement by the police media spokesman regarding an alleged group of persons jeering the President. The police media

spokesman said that it was a criminal offence.

Attorneys-at-law Thishya Weragoda, Ermiza Tegel and Nethmini Medawala addressed the dialogue.

Link to the programme: <https://www.facebook.com>

**2. The World Report 2022: Sri Lanka, Events of 2021 of Human Rights Watch criticized the human rights conduct of the government of Sri Lanka.**

The report highlights the violation of human rights of the minority communities, suppression of social activists, use of the Prevention of Terrorism Act in a draconian way and the breach of promises for law reforms. The government of Sri Lanka responded, claiming the report had been biased. Issuing a statement, the Ministry of Foreign Affairs of Sri Lanka said that the information had depicted the country's human rights record negatively with exaggerations.

Sources: 1. <https://www.hrw.org>  
2. <https://mfa.gov.lk>

**3. Sandya Ekneligoda, the wife of disappeared journalist Prageeth Ekneligoda, shaved her long hair and performed a religious ritual to protest the failure of Justice for her husband even 12 years after his disappearance.**

Sandya Ekneligoda, the wife of disappeared journalist Prageeth Ekneligoda, performed a religious ritual at the temple of Goddess Pattini in Nawagamuwa, shaved her long hair in Mutwall beach and participated in an offering at Kali Kovil on 25 January to protest the failure of Justice for her husband even 12 years after his disappearance. She said that she had lost trust in the judicial system and

expected nature to punish the crime's culprits. The action of this awarded human rights activist captured national and international attention.

**4. FMM conducted an online seminar under the theme 'Justice for the assassinated, disappeared, attacked and intimidated journalists'.**

The annual seminar of FMM to mark Black January was held on 26 January. The presentations were: Suppression of media using PTA, by Attorney-at-Law Ermiza Tegel; Breach of freedom of expression by the misuse of ICCPR Act, by Attorney-at-Law Prabodha Rathnayaka; Public security and the safety of the Tamil journalists, by former editor of Uthayan newspaper Thewanayagam Premnat; and Surveillance of investigative journalists, by journalist Lasantha Ruhunage.

An organized group of online participants severely disturbed the event.

Source: <https://theleader.lk>

**5. A programme to commemorate and seek justice for the journalists who had been disappeared, tortured and killed due to their exercise of the right of freedom of expression was held in Colombo.**

This programme organized by the Young Journalists' Association and Journalists for Rights was held on 31 January at the Viharamahadevi Park in Colombo under the theme 'Let's not forget' with the participation of journalists, artists and civil society activists. The programme included street drama, singing and a candlelight vigil.

Source: <https://sinhala.lankanewsweb.net>

Table 5: Press freedom incidents reported to FMM from January to December 2021 and January 2022

Covered criterion	January - December 2021		January 2022
	New Incidents	Developments of the previous incidents	
Security and safety	51	-	03
Legal conditions	45	10	06
Independence of media	03	-	01
Trends relevant to press freedom	01	-	-
Structural conditions	14	-	05
Professionalism	02		01
<b>Total</b>	<b>116</b>	<b>13</b>	<b>17</b>

[FMM Press Freedom Reports - from January to December 2021 from here](#)

**Postscript:** FMM recognizes press freedom as a human right based on national and international conventions and judgments. Freedoms of thought, conscience, religion and knowing others' opinions are human rights. On that basis, FMM identifies press freedom as a collection of the following ten components. 1) Freedom of thought 2) Freedom of having opinions 3) Freedom of expression 4) Freedom to meet peacefully 5) Freedom for 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 the enjoyment of all other freedoms. Therefore, FMM also emphasizes that misuse of these freedoms in an irresponsible and hateful manner is a wrongful practice.

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

Media Freedom Rights Monitoring Desk Supported by Program on Independent Journalism



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