

2022 February

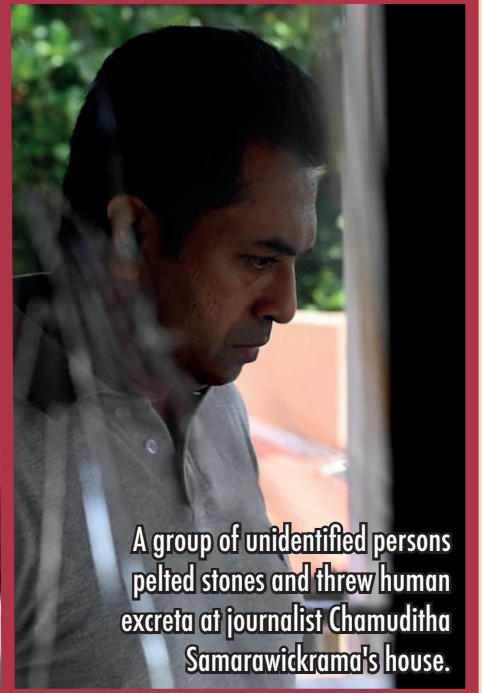
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A supporter of a politician assaulted Batticaloa journalist Lakshmanan Devapradeepan during a reporting activity.



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"..... The problem is the working culture of continuously maintaining the widespread injustice."

During February, the significant feature monitored in terms of press freedom in Sri Lanka was the lack of a proactive institution culture. During the past two decades, various mechanisms to safeguard and promote human rights in line with international standards have been introduced to the Roman-Dutch legal system of Sri Lanka. However, in February, it was observed that an institutional culture to maintain such mechanisms active is yet to be developed.

Physical intimidation targeting silencing the journalists, arbitrary arrests, producing the arrested persons before the courts on entirely different grounds, and withdrawal of cases after some time without formal proceeding indicate a culture that perpetuates injustice has been imposed on us.

Therefore, the struggle for a free media culture must not merely promote press freedom but also create a work culture targeting the institutions and their objectives of violation of various aspects of press 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 happenings related to freedom of speech and expression of people, new laws, and the international community's responses regarding legal reforms and relevant propositions. In February 2022, FMM observed 15 incidents pertinent to the scope/ criteria selected by FMM to monitor press freedom. They included five incidents related to the security and safety of the journalists, six incidents related to the requirements of legal conditions and four incidents relevant to the structural needs.

Incidents monitored:

1. Ministry of Foreign Affairs issued a statement criticizing Ambika Sathkunanathan expressing views at the European Parliament's Subcommittee on Human Rights, and the civil society protested the government action.
2. Police obtained a court order against Batticaloa-based freelance journalist Punyamurthi Sasitharan to ban a demonstration scheduled to be held on February 04.
3. Thirty-two civil organizations and 70 citizens issued a joint statement protesting the Prevention of Terrorism (Temporary Provisions) (Amendment) Bill.
4. Court of Appeal ordered the release of lawyer Hejaaz Hizbullah who had been detained for 22 months under the Prevention of Terrorism Act
5. Sri Lanka Young Journalists' Association urged the UN Special Rapporteur for Freedom of Expression to mediate to amend the proposed Data Protection Bill of Sri Lanka
6. Colombo Fort Magistrate ordered release Lanka-e-News journalist Keerthi Rathnayaka released on bail. The journalist had been detained for five months under the Prevention of Terrorism Act.
7. Investigative journalist Rahul Samantha Hettiarachchi complained to police regarding threats against him due to reporting.
8. Family Planning Association of Sri Lanka conducted an online dialogue on media ethics related to LGBTIQ+.
9. A group of unidentified persons pelted stones and threw human excreta at journalist Chamuditha Samarawickrama's house.
10. The Criminal Investigation Department (CID) summoned social media influencer Manorama Weerasinghe and interrogated him.
11. CID arrested social activist Shehan Malaka Gamage.
12. Journalists of the Northern Province protested the Minister of Media against not giving justice to the crimes against journalists.
13. The Opposition Leader made a remarkable statement in the parliament regarding increasing threats against journalists and activists.
14. A supporter of a politician assaulted Batticaloa journalist Lakshmanan Devapradeepan during a reporting activity.
15. British police arrested a suspect regarding the assassination of journalist Nimalarajan.

Table 1: Total number of incidents reported - February 2022

Covered criteria	Number of incidents reported
Safety and security	05
Legal conditions	06
Structural conditions	04
Total	15

Safety and security

An environment in the journalists can perform their duties with physical and mental integrity is an essential condition of press freedom. Also, to safeguard press freedom and freedom of expression, people must enjoy the freedom of expression through media and any other means without repercussions. Freedom for the peaceful meeting, protesting and agitating are also included in the freedom of expression. Unfortunately, five instances of violation of these freedoms were reported in February 2022. Parties advocating for press freedom are sternly concerned about the attack against journalist Chamuditha Samarawickrama and the lack of progress of the investigations about the incident.

Table 2: February 2022: Safety and security of journalists - 5 instances

Index	Number of reported incidents
Attacks	02
Psychological influence	03
Total	05

1. **Ministry of Foreign Affairs issued a statement criticizing Ambika Sathkunanathan, expressing views at the European Parliament's Subcommittee on Human Rights and the civil society protested the government action.**

The Foreign Ministry issued a communique noting with concern the testimony of the former Human Rights Commissioner and activist Ambika Satkunanathan at the European Parliament's Subcommittee on Human Rights on January 27 2022.

Forty-seven civil organizations and 167 citizens issued a collective statement in response to the Foreign Ministry statement. The statement highlighted; "The attempt of the Ministry of Foreign Affairs to resemble the independent advocacy of a human rights activist and a researcher with the LTTE acts is unfair, dismal and precarious."

Sources:1 <https://multimedia.europarl.europa.eu>

2. <https://island.lk>

3. <https://www.ceylonnews.lk>

2. **Investigative journalist Rahul Samantha Hettiarachchi complained to police regarding threats against him due to reporting.**

Journalist Rahul Samantha Hettiarachchi complained to Hambanthota police on February 08 regarding a threat over the telephone due to an investigative report about filling the cultivable paddy fields in the

Hambanthota district.

The journalist compiled the report based on the information obtained via the Right to Information Act. He pointed out that the authorities have not acted regarding illegal landfilling in Hambanthota, Thawalavilla and Puhuloya.

Source: FMM Media Rights Monitoring Desk

3. **A group of unidentified persons pelted stones and threw human excreta at journalist Chamuditha Samarawickrama's house.**

The residence of journalist Chamuditha Samarawickrama at Cambridge Court Housing Complex came under an attack in the early hours of February 14. CCTV footage showed three persons who had covered their faces launched the attack. Police announced that nine police teams had been appointed to investigate the incident.

Four days after the incident, journalist Chamuditha Samarawickrama requested to guarantee his security through a motion in the court. As a result, Kesbawa Magistrate Court ordered the police division for the protection of witnesses and victims to provide security to the journalist and his family. FMM and many other civic organizations issued statements condemning the attack.

Sources: 1. <https://www.youtube.com>

2. <https://newshub.lk>

4. The Criminal Investigation Department (CID) summoned social media influencer Manorama Weerasinghe and interrogated him.

Manorama Weerasinghe was asked to appear before CID at 9 a.m. on February 17 to record a statement concerning an investigation on social networks. CID did not explain the reasons for the investigation.

On February 17, Manorama Weerasinghe sent a letter via his lawyers asking for the reason for summoning him to CID.

Source: <https://www.newsfirst.lk>

5. A supporter of a politician assaulted Batticaloa journalist Lakshmanan Devapradeepan during a reporting activity.

IBC Tamil website journalist Lakshmanan was attacked on February 26 while he was shooting a warm situation related to removing a bus halt with his mobile phone. He stayed several days in Chenkalady hospital for treatment. The suspect was arrested, produced in the court and remanded until March 04.

Sources: 1. FMM Media Rights Monitoring Desk
2. <http://www.battinews.com>

Legal conditions

Six incidents were reported in February 2022 concerning the Legal Conditions of press freedom index. A significant incident is that a journalist and an activist detained under the Prevention of Terrorism Act (PTA) were released on bail. In addition, human rights advocates welcomed the arrest of a suspect in the assassination of Nimalarajan in Britain.

Table 3: February 2022: Legal conditions- 06 instances

Index	Number of reported incidents
Legal actions	05
Immunity related to the crimes against journalists	01
Total	06

1. Police obtained a court order against Batticaloa-based freelance journalist Punyamurthi Sasitharan to ban a demonstration scheduled to be held on February 04.

Batticaloa Magistrate Court issued an injunction under Article 106 (1) of Criminal Procedure Code concerning case No. AR/211/2021, in which police cited that a demonstration had been planned from Kallady Bridge to Gandhi Park to protest Sri Lanka's 74th independence anniversary. The court order was against journalist Punyamurthi Sasitharan who claimed that he had no involvement in that act.

Journalist and social activist Sasitharan said to FMM's press freedom monitoring unit that he had been subjected to 13 judicial bans since 2021. In addition, he was summoned by the office of the Assistant Superintendent of Police three times while an intelligence officer questioned him twice at his residence.

Source: 1. FMM Media Rights Monitoring Desk
2. <https://twitter.com>

2. Court of Appeal ordered the release of lawyer Hejaaz Hizbullah who had been detained for 22 months under the Prevention of Terrorism Act

Considering the revised application by Attorney-at-Law Hejaaz Hizbullah before the Court of Appeal on February 07, the court ordered the release of the lawyer on bail. However, Hizbullah was arrested on April 14 2020, under PTA, suspected of aiding and abetting the Easter Sunday terrorist attack. He was detained for 18 months, and police failed to frame charges against him. Later, he was indicted before Puttalam High Court under the charge of conducting extremist lectures to students of a Madrasa school in Puttalam.

Local and international human rights defenders protested the arrest of lawyer Hejaaz Hizbullah and the incident is considered an example of the draconian use of PTA.

Sources: 1. <https://ceylontoday.lk>
2. <https://www.bbc.com>

3. Colombo Fort Magistrate ordered release Lanka-e-News journalist Keerthi Rathnayaka released on bail. The journalist had been detained for five months under the Prevention of Terrorism Act.

Journalist Keerthi Rathnayaka was arrested on August 14 2021, to inform the Indian High Commission of Sri Lanka about a possible terrorist attack. However, the police have failed to frame charges against him for five months. Keerthi Rathnayaka has filed a fundamental rights petition against illegal detention. National and international rights organizations protested this arrest.

Sources: 1. <https://www.dailymirror.lk>
2. <https://sinhala.srilankabrief.org>

4. CID arrested social activist Shehan Malaka Gamage.

CID officials arrested Shehan Malaka Gamage, a social activist advocating justice for the victims of the Easter Sunday terrorist attack, on February 14 at Panadura. He stated that he had been abducted by a white van squad on a highway claiming they were police on a Facebook live stream. Later, police verified that he had been arrested under the advice of the Attorney General over a statement he had made regarding the Easter Sunday attack.

He was produced before Maligakanda Magistrate on February 15 and released on bail.

Catholic Council and many other parties protested the way Shehan Malaka was arrested.

Sources: 1. <https://www.facebook.com>
2. <https://www.bbc.com>

5. British police arrested a suspect regarding the assassination of journalist Nimalarajan.

The Metropolitan Police War Crimes team arrested a 48-year-old man at an address in Northamptonshire on February 22 as part of a proactive operation

concerning the investigations on the killing of Jaffna-based journalist Mailwaganam Nimalarajan. The suspect's identity has not been disclosed, but the media reported that he was Sebastianpillai Ramesh, Napoleon. Jaffna Magistrate ordered on March 27 2003, to arrest him. However, he escaped from the country with the support of a powerful politician.

He was arrested on suspicion of offences under Section 51 of the International Criminal Court Act 2001. He was taken into custody and has since been released under investigation.

"We would urge those people to come forward and help achieve justice for Nimalarajan's family," Commander Richard Smith, who leads the Met's Counter Terrorism Command, said.²

Human rights defenders warmly welcomed this action.³

Sources: 1. <https://island.lk>
2. <https://news.met.police.uk>
3. <https://redress.org/news>

6. Journalists of the Northern Province protested the Minister of Media against not giving justice to the crimes against journalists.

Journalists of the Northern Province protested the Minister of Media Dallus Alahapperuma when he visited Jaffna on February 17 to declare open a government publication bureau in Jaffna District Secretariat. The journalists pointed out that according to a report of the Journalists for Democracy in Sri Lanka, the number of killings and disappearances of journalists and media employees in Sri Lanka between 2001 and 2010 was 44. The majority of them were Tamil journalists of the Northern and Eastern Provinces of Sri Lanka. Furthermore, the journalists pointed out that no justice had been delivered to these crimes. The journalists who covered the function wore a black card to protest.

Source: <https://www.aithiya.lk>

Structural conditions

'Structural conditions' are another criterion considered with press freedom. This dimension includes six indices that impact the entire media structure and the environment that activates press freedom. Of them, three instances related to the covered criterion of 'Support of the monitoring groups for press freedom' and one example that is related to the standard of 'media ethics' were observed in February 2022.

Table 4: February 2022: Structural conditions - 4 instances

Index	Number of reported incidents
Support of the monitoring groups for press freedom	03
Media ethics	01
Total	04

1. Thirty-two civil organizations and 70 citizens issued a joint statement protesting the Prevention of Terrorism (Temporary Provisions) (Amendment) Bill.

The joint statement protested the Prevention of Terrorism (Temporary Provisions) (Amendment) Bill. The statement highlighted that the proposed bill had ignored the blatant human rights violations committed through PTA. The law had been historically used against Tamil people of Sri Lanka, against Muslims after the Easter Sunday attack and against the government's opponents now.¹

The communique urged the PTA to be repelled and, until it is done, to suspend its use.

Human Rights Commission of Sri Lanka has also proposed to abolish PTA.²

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

2. <https://www.newindianexpress.com>

2. Sri Lanka Young Journalists' Association urged the UN Special Rapporteur for Freedom of Expression to mediate to amend the proposed Data Protection Bill of Sri Lanka

Young Journalists' Association, in their letter dated February 15, pointed out that the proposed act had authorized a non-judiciary body to serve punishments. Further, it mitigates the provisions of the Right to Information Act and affects the media activities, the association highlighted.

Young Journalists' Association wrote letters to all

the MPs urging amendment of this draft bill filed a fundamental rights petition in Supreme Court. But unfortunately, the petition was not granted leave to proceed because the time to petition (seven days) had elapsed.

Source: <https://medialk.com>

3. The Opposition Leader made a remarkable statement in the parliament regarding increasing threats against journalists and activists.

Making a unique statement in the house on February 22, Opposition Leader Sajith Premadasa urged the government to stop the suppression of press freedom and to safeguard the press freedom guaranteed by the constitution. The Opposition Leader also tabled a list of threats to the journalists and other persons due to free expression.

Sources: 1 <https://www.youtube.com>

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

4. Family Planning Association of Sri Lanka conducted an online dialogue on media ethics related to LGBTIQ+.

Conducting this dialogue, which was titled 'Sexuality, Gender and Media Reporting', researcher and trainer Damith Chandimal focused on the media ethics concerning understanding and reporting the LGBTIQ+ community.

<https://www.facebook.com>

Table 5: Press freedom incidents reported to FMM from January 2022 to February 2022

Covered criterion	January 2022		February 2022
	New Incidents	Developments of the previous incidents	
Security and safety	04	-	05
Legal conditions	06	-	06
Independence of media	-	-	-
Structural conditions	05	-	04
Professionalism	-	-	-
Total	15	-	15

[FMM Press Freedom Reports - from January 2022 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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