

2022 March

Vol. 02 - Issue No. 03



This monthly report includes briefs on incidents related to press freedom and 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 responses from the international community regarding legal reforms and relevant propositions. In March 2022, FMM observed 13 incidents relevant to the scope/ criteria selected by FMM to monitor press freedom. They included three incidents related to the security and safety of the journalists, two incidents related to the criteria of legal conditions, two incidents related to professionalism and three incidents relevant to the structural conditions.

Incidents reported in March:

1. The MPs of Samagi Jana Balavegaya advocated for the freedom of former MP Ranjan Ramanayaka before the Human Rights Commission in Geneva on March 02
2. Batticaloa journalist Kokiladasan, who was in custody for 16 months under the Prevention of Terrorism Act was released on bail
3. A group assaulted and damaged the camera belonging to journalist Rasaiah Jeyashankar who was reporting an accident in Puthukulam, Vavuniya
4. The Personal Data Protection Act, which might contain repercussions against media was passed by the parliament
5. A public forum organized by the Center for Policy Alternatives discussed the impact of the Personal Data Protection Act over the Right to Information Act and freedom of expression
6. SafeWebLK was launched in Colombo to strengthen the safety and self-regulation of internet users in Sri Lanka

7. Media Salon organized a dialogue under the theme of 'Alleviate the harassment in media'
8. Hiru TV owner's brother Duminda Silva was allegedly accused of attempting to influence the reporting of journalist Rahul Samantha Hettiarachchi
9. Parliament passed the Prevention of Terrorism (Temporary Provisions) Act amidst the human rights defenders' protests
10. Journalism Awards 2019 - 2020 was organized by the Sri Lanka Press Institute and Editors' Guild in Colombo
11. Sri Lanka Rupavahini Corporation freelance journalist Parami Nilepathi's service was suspended due to a comment made on Facebook
12. News Editor of Aruna newspaper Chaminda Senarathna who reported on the corruption in the police was threatened
13. A group of journalists who were reporting a protest at Mirihana were attacked and their camera equipment were damaged on 31 March 2022 at Mirihana

Table 1: Total number of incidents reported - March 2022

Covered criteria	Number of incidents reported
Safety and security	03
Legal conditions	03
Press freedom	02
Professionalism	03
Structural conditions	02
Total	13

Safety and security

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

Table 2: March 2022: Safety and security of journalists - 3 instances

Index	Number of reported incidents
Attacks	02
Psychological influence	01
Total	03

1. A group assaulted and damaged the camera belonging to journalist Rasaiah Jeyashankar who was reporting an accident in Puthukulam, Vavuniya

The accident took place on March 06th at 10 a.m. where a father and a son died. Provoked people in the area attacked the bus. While journalist Jeyashankar

was reporting the incident, he was assaulted by a group and his camera was damaged. The journalist filed a complaint to the Puvarasankulam police station (Complaint number CIB 216/60).

<https://tamilwin.com>

2. News Editor of Aruna newspaper Chaminda Senarathna who reported on state corruption in the police was threatened

The editor received this threat over the telephone on March 18 regarding a report titled ‘Police Bigwigs Who Instantly Become Wealthy’ published in Aruna newspaper on March 15. Chaminda Senarathna said that he had received death threats from a local and an Indian telephone number. He has filed a complaint to the police (Complaint number CIB 3 272/143). FMM wrote a letter to the Inspector General of Police demanding urgent action.

Sources: 1. FMM Media Rights Monitoring Desk
2. <https://www.sinhala.srilankamirror.com>

3. A group of journalists who were reporting a protest at Mirihana were attacked and their camera equipment was damaged on 31 March 2022 at Mirihana

Seven journalists who were reporting the protest near the private residence of President Gotabaya Rajapaksa on 31st March were attacked and their camera equipment was severely damaged. Several journalists

were admitted to hospitals for treatment. One journalist was arrested. The journalists complained that they had been attacked even after they proved their identity. Journalists such as Sumedha Gallage, Avanka Kumara, Nissanka Werapitiya, Pradeep Wickramasinghe, Lahiru Chamara, Chatura Deshan and Sulochana Gamage were attacked while Sanjeewa Gallage was arrested. Several social media influencers and those who expressed views openly were among the arrested persons.

Police produced 54 arrested persons before the court and demanded remanding them but the magistrate granted bail to 48 persons and ordered six persons to be produced for an identification parade. Significantly, a large number of lawyers voluntarily represented the arrested persons.

FMM issued a media release condemning this attack and wrote to the Inspector General of Police. Sri Lanka Young Journalists’ Association complained to the Human Rights Commission of Sri Lanka.

Sources: <https://mawbima.lk>

Legal conditions

Three incidents were reported in March 2022 relating to the criterion of Legal Conditions of press freedom. A significant development was that the parliament enacted two Acts that have serious impacts on press freedom and the freedom of speech.

Table 3: March 2022: Legal conditions- 03 instances

Index	Number of reported incidents
Legal action	01
Legal reforms/ Right to information	02
Total	03

1. Batticaloa journalist Kokiladasan, who was in custody for 16 months under the Prevention of Terrorism Act released on bail

Kokiladasan was arrested by Valachchanai police on 28-11-2020 and remanded under the Prevention of Terrorism Act (PTA) for posting some photos and comments on his Facebook account. He was released under the advice of the Attorney General on March 7. The local and international human rights defenders

protested against the arrest of Kokiladasan claiming it was a misuse of PTA to suppress the freedom of expression.

Source: <https://economynext.com>

2. The Personal Data Protection Act, which might contain repercussions against media freedom was passed by parliament

The Personal Data Protection Act was enacted by the parliament of Sri Lanka on March 9th amidst protests from the media community. Seven media organizations including Sri Lanka Press Institute and Transparency International pointed out the threats to press freedom from the Act and proposed revisions. However, the Act was enacted without revisions.

Additionally, the fundamental rights petition filed by the Sri Lanka Young Journalists' Association was rejected due to a technical reason.

Source: 1. <https://ceylontoday.lk>
2. <https://sinhala.lankanewsweb.net>

3. Parliament passed the Prevention of Terrorism (Temporary Provisions) Act amidst the human rights defenders' protests

The Prevention of Terrorism (Temporary Provisions Amendment) Act was approved with a majority of 51 votes in the parliament. Eighty-six MPs voted in favour of the Act while 35 MPs voted against it. The legislation was the government's response to the long-term advocacy from the side of the human rights defenders to abolish PTA. However, the human rights defenders argue that the amendments have not changed the law fundamentally and continue to advocate the total abolition of the Act. The Sri Lankan Human Rights Commission stands on equal grounds with the human rights defenders.

Source: 1. <https://sinhala.slbnews.lk>
2. <https://sinhala.lankanewsweb.net>

Media independence

The criterion of media independence covers independence of journalists in media organizations, editorial independence, freedom from political, business and religious community pressure, influencing press freedom by way of granting or not granting advertisements, corruption or concessions, blocking internet access and suspension of transmission licenses. Two incidents related to this criterion were reported in March.

Table 4: March 2022: Media independence - 02 incidents

Index	Number of reported incidents
Independence of the journalists in media organizations	01
Freedom from the political/ businesses pressure	01
Total	02

1. Hiru TV owner's brother Duminda Silva was alleged of attempting to influence the reporting of journalist Rahul Samantha Hettiarachchi

Journalist Rahul Samantha Hettiarachchi says that he was pressured to withdraw from his media engagement by Chairman of the National Housing Development Authority and former Member of Parliament R. Duminda Silva. R. Duminda Silva speaking from the phone number 0772624202, has said that he is the younger brother of owner of the Hiru channel Raynora Silva and pressured Rahul Samantha Hettiarachchi to refrain from recording the footage of the Ambalantota sand smuggling

incident. Rahul is a freelance journalist who reports news stories to Hiru TV. This shows the extent of the undue interference in the media freedom landscape in Sri Lanka misusing powers of ownership. Duminda Silva was condemned by the court for murder, but President Gotabaya Rajapaksa pardoned him and appointed him as the Chairman of the National Housing Development Authority. FMM issuing a statement said that the threat could not be ignored under these circumstances.

Source: FMM Media Rights Monitoring Desk

2. Sri Lanka Rupavahini Corporation freelance journalist Parami Nilepathi's service was suspended due to a comment on Facebook

Parami Nilepathi stated that the programme producers had informed her that under the directions of the administration, her services as a programme presenter would be suspended due to her posting critical comments against the President and the

government on social media. Issuing a media release, FMM pointed out that even media personalities working in government-owned media organisation are entitled to citizens' rights guaranteed by the constitution. The statement further pointed out that the incident is evidence to allegations against surveillance of the journalists in recent times.

Source: FMM Media Rights Monitoring Desk

Professionalism

Professionalism is another criterion that covers six potential criteria, i.e., formal education of the journalists, service conditions, use of international guidelines by the editorial and the journalists, self-censorship, professional sovereignty through trade unions and associations and the journalist's understanding of his/her task. Two instances related to such criteria were reported in March 2022.

Table 5: Professionalism - 02 incidents in March 2022

Index	Number of reported incidents
Use of international guidelines by the editorial and the journalists	01
Recognition to the media profession	01
Total	02

1. SafeWebLK was launched in Colombo to strengthen the safety and self-regulation of internet users in Sri Lanka

The aim of SafeWebLK is to create a collective agreement with the global internet service providers to guarantee safer internet services, minimise disinformation and hate speech in social media, reduce cyberbullying and enhance the existing self-regulations. This is the first time a self-regulatory code of conduct was promoted in an Asian country. Factum International Relations Research Company leads this initiative. The inauguration was held with the presence of Ministers Ali Sabry and Dallus Alahapperuma on March 16.

Sources: <http://srilankanews.lk>

2. Journalism Awards 2019 and 2020 ceremony was organized by Sri Lanka Press Institute and Editors' Guild in Colombo

Journalism Excellence Awards ceremony of 2019 and 2022 was held on March 22, 2002, at the Colombo Hilton Hotel.

Awards were offered under 18 categories in Sinhala, Tamil and English language media. This is the most prominent media awards ceremony in Sri Lanka held for the 22nd time.

Structural conditions

'Structural conditions' is another criterion related with press freedom. This component 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 instance related to the criterion of 'media ethics' were observed in March 2022.

Table 6: March 2022: Structural conditions - 03 instances

Index	Number of reported incidents
Support of the monitoring groups for press freedom	03
Total	03

1. The MPs of Samagi Jana Balavegaya (SJB) advocated for the freedom of former MP Ranjan Ramanayaka before the Human Rights Commission in Geneva on March 02

SJB MPs Harin Fernando and Manusha Nanayakkara advocated at the UN Human Rights Council on March 02 to guarantee the release of former MP Ranjan Ramanayaka who had been subjected to four years of rigorous imprisonment and seven years suspension of civic rights for contempt of court. Geneva-based Inter-Parliamentary Union urged in December to release Ranjan Ramanayaka who had been imprisoned under a questionable judgement.

Source: <https://www.news19.lk>

2. A public forum organized by the Center for Policy Alternatives discussed the impact of the Personal Data Protection Act over the Right to Information Act and freedom of expression

A forum was conducted at Sri Lanka Foundation Institute in Colombo on March 11 afternoon to

discuss the impact of the Personal Data Protection Act on the Right to Information Act and potential future advocacy actions. Attorney-at-law Nuwan Bopage, Attorney-at-law Prabodha Rathnayaka and Attorney-at-law Piyumi Madhushani made the key presentations while representatives of the media organizations participated in the discussion.

Source: FMM Media Rights Monitoring Desk

3. Media Salon organized a dialogue under the theme of ‘Alleviate Media Harassment’

The session aimed to initiate a dialogue regarding gender-based violence in newsrooms within the background of #MeToo campaign.

Exchange of recent information on press freedom and freedom of expression, discussing the advocacy actions, and providing journalists a safe space to identify threats to freedom of speech were the focus of this programme. Media Salon works in partnership with Hashtag Generation and USAID IREX MEND programme.

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

Covered criterion	January-February 2022		March 2022
	New Incidents	Developments of the previous incidents	
Security and safety	04	-	03
Legal conditions	06	-	03
Independence of media	-	-	02
Structural conditions	05	-	03
Professionalism	-	-	02
Total	15	-	13

[FMM Press Freedom Reports - from January-February 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



Free Media Movement

Convener: Lasantha De Silva +94 71 166 7938, +94 77 810 7620 | Secretary: Hana Ibrahim +94 77 741 2995
Treasurer: Ananda Jayasekara +94 77 312 4850
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: [#FMM25](https://twitter.com/FMMsrilanka)