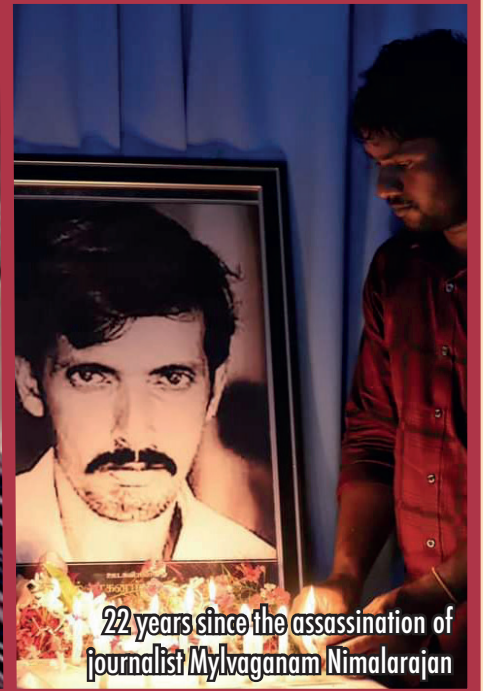


2022 October

Vol. 02 - Issue No. 10



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 October 2022, FMM observed 15 incidents relevant to the scope/ criteria selected by FMM to monitor press freedom. They included two incidents related to the safety, security of the journalists and 11 incidents related to the criterion of legal conditions and two incidents related to the criterion of structural conditions.

Incidents monitored:

1. Cancellation of the gazette notification issued by the government naming several areas of Colombo city as high-security zones.
2. Summoning a group of students from Kelaniya and Rajarata Universities to the Terrorism Investigation Division.
3. Release of student activist Hahsan Jeevantha, who was detained under the Prevention of Terrorism Act.
4. Arrest and release of Faizan Ahamed, an activist of 'Aragalaya'
5. The police interfered with the 'Commemoration of Heroes of the Struggle' program held at Galle Face and arrested six participants.
6. The court rejected a request by the police to prevent a protest to be held by lawyers and professionals.
7. Human Rights Commission of Sri Lanka initiate a self-directed investigation into the police

- interference with peaceful protestors at Galle Face on October 9.
8. A collective of Trade Unions request the Government to revoke the circulars issued restricting the freedom of expression of public servants.
 9. Human Rights Commission of Sri Lanka directed not to extend the detention orders related to Wasantha Mudalige and Galwewa Siridhamma Thero who were detained under the Prevention of Terrorism Act.
 10. The Supreme Court informed Parliament that the words 'militant' and 'violent' contained in the Rehabilitation Bureau Bill should be removed from it.
 11. The court issued notices to two senior police officers in connection with a complaint regarding improperly obstructing a peaceful protest.
 12. The Bribery or Corruption Investigation Commission to initiate an investigation into the use of police officers and resources to attack peaceful protesters.
 13. Holding three commemorative programs on the occasion of 22 years since the assassination of journalist Mylvaganam Nimalarajan.
 14. Police arrested eight student activists while dispersing a student protest held in front of Kelaniya University..
 15. Information Commission ordered the police to release the information of those arrested under the Prevention of Terrorism Act.

Table 1: Total number of incidents reported - October 2022

Covered criterion	Number of reported incidents
Safety and security	02
Legal conditions	11
Structural Conditions	02
Total	15

Safety and protection

An environment in the journalists can perform their duties with physical and mental integrity is a basic condition of press freedom. Also, to safeguard press freedom and freedom of expression, people must enjoy freedom of expression through media and any other means without repercussions. Freedom for peaceful meetings, protesting and agitating are also included in the freedom of expression. Two instances of serious violations of these freedoms were reported in October 2022.

Table 2: October 2022: Safety and security of journalists - 2 instances

Criterion	Number of reported incidents
Psychological influence	02
Total	02

01. **Summoning a group of students from Kelaniya and Rajarata Universities to the Terrorism Investigation Division.** A group of students from Kelaniya and Rajarata Universities, including, B.P.H. Sandaruwan, T.G.M. Chandrasiri, K.H.M. Tharusha Lakshan,

M. Dilshan Harshana, N.M. Sanjaya Bandara and Galenbindunuwewa Dhammarathana Thero, were summoned by the Terrorism Investigation Division on Oct 02, the JDS organization reported.

Source: <https://twitter.com/JDSLanka>

Faizan Ahamed, a former activist of the Inter-University Students' Federation, was arrested by the police at his house on Bhatiya Mawatha in Dehiwala on October 8 and released after 4 hours of questioning.

Source: <https://twitter.com/JDSLanka>

02. Arrest and release of Faizan Ahamed, an activist of 'Aragalaya'

Legal conditions

Eight incidents under the criterion of legal conditions related to press freedom were observed during the month of October. They included actions of the security forces against freedom of expression, positive interventions to protect that freedom through certain court decisions and the conclusions of the Human Rights Commission. Those cases can be considered a serious challenge to the government's desire to limit the freedom of expression in general as well as the freedom of the media in particular.

Table 3: October 2022: Legal conditions -11 instances

Indicator	Number of reported incidents
Legal actions	09
Imposing new laws	02
Total	11

1. **Cancellation of the gazette notification issued by the government naming several areas of Colombo city as high-security zones.**
2. **Release of student activist Hahsan Jeevantha, who was detained under the Prevention of Terrorism Act.**

Under section 2 of the Official Secrets Act, on September 23rd, the President issued the Extraordinary Gazette Notification No. 2298/53 and on October 1st, it was revoked by the President himself.

The gazette prohibited holding demonstrations or meetings without the prior written permission of the Inspector General of Police or the Senior Deputy Inspector General of Police in charge of the Western Province in the areas named by the relevant gazette announcement. Several organizations including the Bar Association of Sri Lanka protested against it. The Human Rights Commission of Sri Lanka issued a statement saying that it was a violation of the fundamental rights of the citizens and the government should withdraw the relevant gazette.

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

Hahsan Jeevantha was detained in the Tangalle and Colombo detention centres for 50 days and was presented to the Tangalle Magistrate's Court on October 7 by the Terrorism Investigation Division. The magistrate ordered his release as there were no charges. He was arrested on August 18 in Colombo along with the convener of the Inter-University Students' Federation, Wasantha Mudalige.

Source: <https://medialk.com>

3. **The police interfered with the 'Commemoration of Heroes of the Struggle' program held at Galle Face and arrested six participants.**

The police ordered to disperse of the participants of this program held on October 9 stating that it is an illegal assembly and six protestors were arrested by the Colombo Fort Police. Among them, Uvindu

Rajapakse, a 16-year-old school student, was released on police bail.

The suspects Roshan Fernando, Dhanushka Lakmal Jayamanna, Liyanage Wimalasiri, Mohammad Airaf Mohammad and Deshan Imron were produced before the Fort Magistrate on the 10th and they were released on bail.

Source: <http://www.colombopage.com>

4. The court rejected a request by the police to prevent a protest to be held by lawyers and professionals.

Colombo Fort Magistrate refused the request of the police to suspend the protest held against the commemoration of heroes of 'Aragalaya' which was scheduled to be held on the 10th at the Galle Face.

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

5. Human Rights Commission of Sri Lanka initiate a self-directed investigation into the police interference with peaceful protestors at Galle Face on October 9.

Sri Lanka Young Journalists' Association also requested an investigation into this matter, and the commission informed the Inspector General of Police the very next day to clarify the legal provisions on which the relevant meeting was ordered to be dissolved. The investigation started on October 18 and the Young Journalists Association presented 21 documents and video evidence of the incident. Also, evidence and information about 8 police officers who caused obstruction and photographs of 11 other officers were presented.

Source: <https://medialk.com>

6. Human Rights Commission of Sri Lanka directed not to extend the detention orders related to Wasantha Mudalige and Galwewa Siridhamma Thero who were detained under the Prevention of Terrorism Act.

The statement emphasized that the Terrorism Investigation Division had not yet given a progress report to the Commission regarding the investigations related to these suspects and that their continued imprisonment and harassment were against the constitution of the country.

In the meantime, lawyer Nuwan Bopage reported

facts to Tangalle Magistrate Court on Oct. 26th, about taking the suspects to Colombo Terrorism Investigation Division without informing the court and falling ill there. The magistrate ordered the director of the Terrorism Investigation Division to appear before the court on the 28th and present facts about this. When the case was called on the 28th, the magistrate ordered that the progress of the investigations be presented to the court on November 4th.

Source: <https://www.facebook.com/Liveat8.lk>

7. The Supreme Court informed Parliament that the words 'militant' and 'violent' contained in the Rehabilitation Bureau Bill should be removed from it.

The Rehabilitation Bureau Bill was presented to Parliament by the Minister of Justice on September 23, 2022, and Parliamentarian S. M. Marikkar and other parties filed fundamental rights petitions in the Supreme Court challenging the draft. Serious doubts were raised that the government is preparing to use this act against the activists of the struggle. The Supreme Court has concluded that the relevant Act should be limited to the rehabilitation of drug addicts.

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

8. The court issued notices to two senior police officers in connection with a complaint regarding improperly obstructing a peaceful protest.

Colombo Fort Magistrate's Court issued notices against Assistant Superintendent of Police Nalin Dilruk and Senior Superintendent of Police Roshan Dias in connection with a private case regarding improperly obstructing a peaceful protest filed by journalist Tharindu Jayawardena on behalf of the Sri Lanka Youth Journalists Association.

Charges have been filed against the police officers for illegally preventing a protest attended by lawyers, journalists and professionals scheduled to be held on October 9. President's Counsel Saliya Peiris, and lawyers Manujaya Silva and er Jayantha Dehiatta represented the plaintiff.

Source: <https://satahan.blog>

9. The Bribery or Corruption Investigation

Commission to initiate an investigation into the use of police officers and resources to attack peaceful protesters.

This investigation has been initiated under the number BC/1760/2022 following a complaint made on September 22 by the Anti-Repression Action Committee jointly initiated by the Young Lawyers' Association and the Young Journalists' Association.

Source: <https://satahan.blog>

10. Police arrested eight student activists while dispersing a student protest held in front of Kelaniya University.

The Inter-University Students' Federation demanded the release of the student leaders detained under the Prevention of Terrorism Act. The protest was to be held on the 18th, and the police ordered it to be dispersed stating that permission had not been obtained from the police. Kalum Mudannayake, Dilshan Harshana, Shashika Dilhara, Vihanga Lahiru, Asela Madhuvantha, Gihan Kumara, Francis Jeevan and Kohombagane Sirirathana Thero who were arrested there were released on bail after being produced before the

Mahara Magistrate's Court on the 19th.

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

11. Information Commission ordered the police to release the information of those arrested under the Prevention of Terrorism Act.

The Right to Information Commission ordered police to release the information of those arrested under the Prevention of Terrorism Act delivering the verdict of the appeal filed by Suren D. Perera, AAL. The appeal was filed due to the refusal of the police headquarters to expose the number of detainees under the Prevention of Terrorism Act from 2019 to November 2021 and their details.

The Commission ordered the police to release the relevant information before October 28. The Commission also informed that if this information was not provided within the specified time, the commission had decided to file a case against the Sri Lanka Police and the Information Officer in the Magistrate's Court.

Source: <https://rticsr.info/ptarti/>

Structural conditions

This dimension includes 6 potential indicators that relate to the overall structure of the media system and the press freedom. Two incidents that belong to the index of 'active support of media freedom by monitoring groups' are included here. Although many interventions by human rights defenders under the component of legal conditions are relevant to this index. However, due to the practical situation, all of them have not been mentioned here separately.

Table 4: October 2022: Structural conditions - 02 instances

Indicator	Number of reported incidents
Support of the monitoring groups for press freedom	02
Total	02

1. A collective of Trade Unions request the Government to revoke the circulars issued restricting the freedom of expression of public servants.

The Ministry of Public Administration on September 27, 2022, and the Ministry of Health before that, issued circulars restricting the freedom of public servants to express their opinions through mass media, including social media.

All Lanka Development Officers Association, Government Family Health Services Union, Joint Development Officers Centre, State and Provincial Public Management Service Officers Trade Union Federation and Joint Health Services Union demanded the cancellation of these circulars.

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

2. Holding three commemorative programs on the occasion of 22 years since the assassination of journalist Mylvaganam Nimalarajan.

Journalist Mylvaganam Nimalarajan was shot dead on October 19, 2000, at his home in a high-security zone, and the accused members of an armed group who cooperated with the army were released later under the instructions of the Attorney General.

These commemorations were held on November 19 at Gandhi Park by Jaffna Media Club in Jaffna, Mullaitivu Media Club in Mullaitivu, Batticaloa District Tamil Journalists Association and members of Batticaloa Media Club.

Source: <https://tamilwin.com>

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

Covered criterion	January September 2022		October 2022
	New Incidents	Developments of the previous incidents	
Safety and Security	55	-	02
Legal conditions	88	21	11
Independence of media	06	-	-
Professionalism	06	-	-
Structural conditions	14	01	02
Total	169	-	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.

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