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Interdiction of Dr. Chamal Sanjeeva for his comments in the media



Journalist Tharindu Uduwaragedara was summoned to the Criminal Investigation Department (CID)



The police severely obstructed the march started by two women from Kalutara

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 November 2022, FMM observed 16 incidents relevant to the scope/criteria selected by FMM to monitor press freedom. They included nine incidents related to the safety and security of the journalists, five incidents related to the component of legal conditions, one event related to the component of structural conditions and one event under professionalism.

Incidents monitored:

1. Interdiction of Dr. Chamal Sanjeeva for his comments in the media
2. The arrest of six persons who protested against the non-repair of a road in Deraniyagala
3. The Terrorist Investigation Department (TID), which initially refused to provide the reports related to the progress of the investigations regarding Wasantha Mudalige and Galwewa Siridhamma Thero, who are detained under the Prevention of Terrorism Act (PTA), eventually produced the reports
4. The former MP Hirunika Premachandra complained to the Human Rights Commission of Sri Lanka that the police officers verbally abused and physically harassed her while she was engaged in a protest
5. Interrupting the reporting of Exposure journalist Shabir Mohammed while covering a protest march

6. The decision of the Supreme Court to hear the fundamental rights petition submitted on behalf of Wasantha Mudalige, who is detained under the Prevention of Terrorism Act (PTA)
7. Journalist Tharindu Uduwaragedara was summoned to the Criminal Investigation Department (CID) to be questioned over a Facebook post
8. Dismissal of a personal case filed by journalist Tharindu Jayawardena against senior police officers for improperly blocking a peaceful protest
9. The police severely obstructed the march started by two women from Kalutara demanding the release of Wasantha Mudalige and Galwewa Siridhamma Thero.
10. Journalist Tharindu Jayawardena was summoned to Criminal Investigation Department (CID) on a complaint by the Inspector General of Police
11. Amnesty International urged to withdraw the terrorism charges against Wasantha Mudalige and Galwewa Siridhamma Thero
12. The court granted bail to Galwewa Siridhamma Thero, who was detained under the Prevention of Terrorism Act
13. Launch of a book containing the report of a survey conducted by Free Media Movement (FMM) on journalists and investigative articles by journalists
14. The Army visited the Mullaitivu Press Club office and requested information about the officials of the organization
15. Batticaloa journalist S. Nilanthan ordered to appear before Terrorism Investigation Division (TID)
16. Police recorded two statements from journalist Tharindu Jayawardena on a single day

Table 1: Total number of incidents reported - 2022 November

Covered criterion	Number of reported incidents
Safety and security	09
Legal conditions	05
Structural Conditions	01
Professionalism	01
Total	16

Safety and security

An environment which 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 the 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. Nine instances of serious violations of these freedoms were reported in November 2022.

Table 2: November 2022: Safety and security of journalists - 09 incidents

Criterion	Number of reported incidents
Assaults	03
Psychological influence	06
Total	09

01. Interdiction of Dr. Chamal Sanjeeva for his comments in the media.

Dr. Chamal Sanjeeva was interdicted due to giving statements to Hiru TV, Derana newspaper and The Island newspaper about child malnutrition in Hambanthota district. Dr. Chamal Sanjeeva, who is the Senior Registrar (Training) in the Ministry of Health, is also the President of the Medical and Civil Rights Professional Association (MCPA).

A complaint was lodged before the Human Rights Commission of Sri Lanka on the 10th of November and a fundamental rights petition was filed before the Supreme Court on the 22nd of November.

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

02. Former MP Hirunika Premachandra complained to the Human Rights Commission of Sri Lanka that the police officers verbally abused and physically harassed her while she was engaged in a protest.

The complaint claimed that during the protest held in Colombo on the 2nd, the police officers verbally abused and physically harassed the women including her, and videos of the incident were produced as evidence.

Source: <https://dasathalankanews.com>

03. Interrupting the reporting of Exposure journalist Shabir Mohammed while covering a protest march

Journalist and social activist Rekha Nilukshi Herath interrupted Shabir Mohammad while covering a march held in Colombo on November 02 with the participation of trade unions, civil organizations and political parties against the government's repressive practices. Shabir Mohammad made a complaint to the Maradana police station about this and the incident was settled with the agreement of both parties.

Sources: 1. FMM-MFRM Desk
2. <https://m.facebook.com>

04. Journalist Tharindu Uduwaragedara was summoned to the Criminal Investigation Department to be questioned over a Facebook post

The Computer Crime Investigation Division of the Criminal Investigation Department (CID)

made this call regarding a Facebook post published by the Young Journalists' Association seeking public assistance in identifying the police officers who disrupted the protest held in Galle Face on October 9. Answering a question asked by a MP in Parliament, Public Security Minister Tiran Alles said that journalists who commit such acts will have to be summoned in the future as well.

Source - FMM-MFRM Desk

05. The police relentlessly obstructed the march started by two women from Kalutara demanding the release of Wasantha Mudalige and Galwewa Siridhamma Thero.

The protest march held by social activists Nirosha Daniel and Priyanthi Fernando was interrupted by the Kalutara police at the beginning of its movement and later on at Wadduva, Panadura and Moratuwa towns. A woman who questioned the legal basis for obstructing the march was beaten by the police in Panadura and at the same time, a senior police officer grabbed two female police officers by the neck and pushed them. Five people including the two activists were arrested by the Panadura Police (Nov. 12) and released on police bail. The Human Rights Commission of Sri Lanka has launched an inquiry into the assault on women.

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

06. Journalist Tharindu Jayawardena was summoned by Criminal Investigation Department (CID) on a complaint lodged by the Inspector General of Police

The questioning on 13 November was related to a Facebook post published by the Young Journalists' Association asking for public assistance in identifying the police officers who interrupted the protest held in Galle Face on October 09. Meanwhile, the Cyber Crime Investigation Division of Police questioned the journalist for nearly 4 hours.

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

07. The Army visited the Mullaitivu Press Club office and requested information about the officials of the organization

Soldiers belonging to the 591 Brigade of the Sri

Lanka Army entered the office premises of the Mullaitivu Media Society on November 24 and requested to provide information including the names and telephone numbers of the heads of the media organization as per the order of their brigade commander. Journalist Kanapathipillai Kumanan refused to provide that information.

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

09. Police recorded two statements from journalist Tharindu Jayawardena on a single day

The statements were recorded on November 30 at Colombo Crime Division in Dematagda and in the Colombo South District 4 Assistant Superintendent of Police at the Bandaranaike Memorial International Conference Hall premises by Sub-Inspector Premathilaka and Assistant Superintendent of Police Suneth Shantha respectively.

The journalist was summoned regarding complaints made to the police headquarters against two senior police officers who unduly obstructed a peaceful demonstration on October 9 and regarding harassing the journalist in the office of the Officer-in-Charge of Colombo Fort police station when he went to the Fort Police on October 11 to file a complaint.

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

08. Batticaloa journalist S. Nilanthan was ordered to appear before Terrorism Investigation Division (TID)

Two police officers who visited the house of the secretary of the Batticaloa District Tamil Journalists' Association S. Nilanthan in Chenkaladi on November 27 informed him to appear at the Terrorism Investigation Division as soon as he arrived in Sri Lanka. The police questioned him on September 14 and he had been interrogated on several previous occasions also.

Source: <https://twitter.com>

Legal conditions

Five incidents under the component 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 as well as legal interventions that safeguard media freedom.

Table 3: 2022 November: Legal conditions - 05 instances

Indicator	Number of reported incidents
Legal actions	05
Total	05

01. The arrest of six persons who protested against the non-repair of a road in Deraniyagala

This group was arrested during a demonstration held by residents demanding the repair of Deraniyagala-Polgawatta road which has not been repaired for a long time.

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

to the progress of the investigations regarding Wasantha Mudalige and Galwewa Siridhamma Thero, who are detained under the Prevention of Terrorism Ac (PTA) eventually produced the reports

The case related to these student activists was called in the Tangalle Magistrate's Court on November 4, and the officers appearing for the case on behalf of the Terrorist Investigation Division (TID) stated that they were not bound to provide the court with the reports related to the suspects detained

02. The Terrorist Investigation Department (TID), which initially refused to provide the reports related

under the Prevention of Terrorism Act (PTA). The Magistrate had previously ordered the TID to report the progress of the related investigations and the summaries of evidence to the court.¹

President's Counsel Upali Mohotti, who appeared for the detainees, told the court that although certain privileges had been given to the investigating officers under the Prevention of Terrorism Act, the investigating officers could not deviate from the requirements of reporting the progress of an investigation under the Code of Criminal Procedure Act and presenting summaries of evidence through further reports.

When the case was recalled on November 25, officials of the Terrorism Investigation Division stated that the related reports had been submitted to the Colombo Magistrate's Court. Accordingly, the case in Tangalle Magistrate's Court was closed.²

Sources: 1. FMM-MFRM Desk

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

03. The decision of the Supreme Court to hear the fundamental rights petition submitted on behalf of Wasantha Mudalige, who is detained under the Prevention of Terrorism Act (PTA)

The Supreme Court ordered on November 10 that Wasantha Mudalige be produced before a magistrate and a Judicial Medical Officer and take steps to summon a complete report.

The petition is considered before the Supreme Court bench consisting of Mr. Vijith Malalgoda and Mr. S. Thureiraja. President's Counsel Saliya Peiris appeared on behalf of the petitioner. The petition is scheduled to be called again on January 31.

According to the orders of the Supreme Court, Wasantha Mudalige was presented to the Tangalle Magistrate's Court on November 14th.

Source: <https://sinhala.adaderana.lk>

04. The court granted bail to Galvewa Siridhamma Thero, who was detained under the Prevention of Terrorism Act.

Siridhamma Thero, who was detained under the Prevention of Terrorism Act was then remanded and he was released on bail with strict conditions

by the Colombo Magistrate's Court on November 22.

Accordingly, Siridhamma Thero was released on personal sureties of Rs. 500,000 each and he was banned from travelling abroad. The Thero should report to the Anti-Terrorism Bureau on the last Sunday of every month. The bail conditions also include refraining from issuing statements regarding the case and refraining from engaging in violent activities. The case will be called again on December 12.

Source: <https://sinhala.adaderana.lk>

05. Dismissal of a personal case filed by journalist Tharindu Jayawardena against senior police officers for improperly blocking a peaceful protest

The case was filed against Assistant Superintendent of Police Nalin Dilruk and Senior Superintendent of Police Roshan Dias for obstructing the protest held at Galle Face on October 10. On the 21st, the Fort Magistrate issued a notice to those officers. But without informing the complainant, the notice was cancelled when the case was called on November 1 through a motion presented by the Attorney General. The next day, President's Counsel Saliya Peiris protested the action before the court on behalf of the plaintiffs. When the case was called again on November 8th, both sides presented their arguments at length and on November 25th, the decision to dismiss the case was announced. The plaintiff says that an appeal will be filed against this decision before the High Court.

Sources: 1. <https://srilankabrief.org>

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

3. <https://www.facebook.com>

Structural conditions

This dimension includes 6 potential indicators that are relevant to the overall structure of the media system. They impact the overall environment and enable media freedom. One incident that belongs to the index of 'active support for media freedom by monitoring groups' is included here. Although many interventions by human rights defenders presented under the components of the protection of journalists and legal conditions are relevant to this index, all of them are not mentioned here separately due to practical reasons.

Table 4: 2022 November: Structural conditions - 02 incidents

Indicator	Number of reported incidents
Active support for media freedom by monitoring groups	01
Total	01

01. Amnesty International urged to withdraw the terrorism charges against Wasantha Mudalige and Galwewa Siridhamma Thero.

The organization claims that the baseless terrorism charges levelled against the two activists should be dropped immediately and detention orders should not be extended.

The organization claims that the detention of

protesters under anti-terrorism charges is a clear violation of the freedom of expression and the right to peaceful assembly guaranteed by the Constitution of Sri Lanka and the International Covenant of Civil and Political Rights. The statement emphasizes that steps should be taken to repeal the Prevention of Terrorism Act.

Source: <https://www.amnesty.org>

Professionalism

Journalists having a good education, their working conditions, use of international guidelines by journalists and editorials, self-censorship, the autonomy of journalists promoted by trade unions and associations, journalists' understanding of their role, and recognition of the media profession are included under the indicator of professionalism. One event that come under this component was monitored in November.

Table 5: 2022 November: Professionalism - 01 incident

Indicator	Number of reported incidents
Working conditions of journalists/ Journalists' understanding of their role/ Recognition in the media profession	01
Total	01

01. Launch of a book containing the report of a survey conducted by the Free Media Movement (FMM) on journalists and investigative articles by journalists

The report of the survey conducted by the Free Media Movement (FMM) on the professional rights and problems of journalists and the

collection of investigative articles compiled by selected journalists covering the entire island under the Public Service Values and Investigative Reporting Promotion Program was launched at a conference held on November 24 at the Grand Oriental Hotel, Colombo.

Source: FMM-MFRM Desk

Table 6: Press freedom incidents reported to FMM from January 2022 to November 2022

Covered criterion	January September 2022		October 2022
	New Incidents	Developments of the previous incidents	
Safety and Security	55	-	09
Legal conditions	97	23	05
Independence of media	06	-	-
Professionalism	06	-	01
Structural conditions	16	01	01
Total	180	24	16

[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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