

2023 January

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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 responses from the international community regarding legal reforms and relevant propositions. In January 2023, FMM observed 15 incidents relevant to the scope/ criteria selected by FMM to monitor press freedom. They included 12 incidents related to the component of legal conditions and three events related to the component of structural conditions.

Incidents monitored:

1. Two student leaders of Kelaniya University arrested.
2. Social media influencer Sepal Amarasinghe arrested over defamation.
3. President declares new regulations will be introduced for social media regulation.
4. Seven international organizations issued a joint statement against the detention of the convener of the Inter-University Student's Federation, Wasantha Mudalige.
5. An academic dialogue is held under the theme 'social media regulation and freedom of expression'
6. Police reporting facts in the court against a female social activist who led a protest.
7. The Black January commemoration of FMM held in Colombo
8. Mullaithivu journalists commemorate Black January by remembering the slain and disappeared journalists.

9. A Sathyagraha protest campaign is held to mark the 13th anniversary of the disappearance of journalist Prageeth Ekneligoda.
10. Batticaloa journalists commemorate Black January protesting against denying crimes against media.
11. Working Journalists' Association commemorates Black January in Colombo
12. Supreme Court grants leave to proceed with the petition filed by Anuruddha Bandara against Deputy Inspector General Deshabandu Thennakoon.
13. Colombo Chief Magistrate ordered the release of Wasantha Mudalige who was detained under the Prevention of Terrorism Act (PTA).
14. Sirasa journalists who were assaulted by police filed a fundamental rights petition in the Supreme Court.
15. International Federation of Human Rights state that the government of Sri Lanka violate human rights.

Table 1: Total number of incidents reported - January 2023

Covered component	Number of reported incidents
Legal conditions	12
Structural Conditions	03
Total	15

Legal Conditions

Twelve incidents under the component of legal conditions related to press freedom were observed during the month of January. Several instances of government actions against freedom of speech and expression were challenged before the courts. A suspect detained under the Prevention of Terrorism Act (PTA) was released by a Magistrate's Court for the first time. It is a unique occasion that expanded the rights of citizens. News about Black January celebrations is also included here, as it falls under the legal terms component of 'Impunity for crimes against the media'.

Table 3: January 2023: Legal conditions - 12 incidents

Criterion	Number of reported incidents
Legal actions	06
Legal restrictions/ introducing new laws	01
Impunity in terms of the incidents related to media	05
Total	12

01. Two student leaders of Kelaniya University arrested.

Kalum Mudannayake, President of the University of Kelaniya Students' Union, and Dilshan Harshana, a student activist, were arrested by the Talangama police station for allegedly damaging public property during a protest held in front of

the Ministry of Education. They were produced before the Kaduwela Magistrate's Court on January 02 and were remanded until January 10. When the case was recalled on that day, they were remanded further until February 20.

Source: www.lankadeepa.lk

02. Social media influencer Sepal Amarasinghe was arrested over defamation.

Sepal Amarasinghe was arrested by the Criminal Investigation Department(CID) on January 5 on the charge of insulting the sacred tooth relic of Lord Buddha. He was presented before the Colombo Magistrate the next day and remanded.

Source: www.youtube.com

03. President declares new regulations will be introduced for social media regulation.

President Ranil Wickramasinghe announced that an Act similar to the Telecommunications and Social Media Act currently used in Singapore will be introduced in Sri Lanka to regulate social media. The statement was made by the President in a discussion with newspaper editors and electronic media news directors on January 6 at the Presidential Secretariat.

Source: <http://www.adaderana.lk>

04. Police reporting facts in the court against a female social activist who led a protest.

Summons were issued to Thambiraza Selvarani, President of Ampara District Organization of the Relatives of the Disappeared Persons, who led a protest in Tirukkovil on January 30 demanding justice for the missing persons. She was ordered to appear in the Pothuvil Magistrate's Court on January 31.

Source: twitter.com

05. The black January commemoration of FMM held in Colombo

FMM's Black January celebration was held on the 24th of January at Namel Malini Punchi Theatre, Borella, under the theme 'Moving forward together to save media professionals'. President of the Bar Association of Sri Lanka, President's Counsel Saliya Peiris delivered the keynote address and the panel discussion was attended by journalist Hana Ibrahim and Upul Kumarapperuma, Attorney-at-Law.

Lamps were lit in memory of the journalists who were killed and disappeared in the past.

Source: MFRM Desk

06. Mullaitivu journalists commemorate Black January by remembering the slain and disappeared journalists.

The 'Black January' commemoration organized by the Mullaitivu Press Club was held on 24th January in Mullaitivu, highlighting the crimes committed against journalists in Sri Lanka. It included garlanding flowers on the portraits of murdered journalists Subramaniam Sugirdarajan, Lasantha Wickramatunga and Prageeth Eknaligoda and distributing leaflets.

Source: twitter.com

07. A Sathyagraha protest campaign is held to mark the 13th anniversary of the disappearance of journalist Prageeth Eknaligoda.

Sandhya Eknaligoda, the wife of the disappeared journalist and human rights activist Prageeth Eknaligoda, conducted this Sathyagraha protest on January 24 at the Modara Maha Kali Amman temple. She has shaved her head and wears black clothes in respect of God to search for justice against the government's failure to bring justice to Prageeth's disappearance.

Source: MFRM Desk

08. Batticaloa journalists commemorate Black January protesting against denying crimes against media.

Members of the Batticaloa Tamil Journalists' Association and the activists of local civil society organized this commemoration on January 27th in Batticaloa. The celebration is held annually to condemn and to oppose impunity over the crimes against journalists by the Sri Lankan government over the past few decades.

Source: twitter.com

09. Working Journalists' Association commemorates Black January in Colombo

This commemoration was held in front of Viharamahadevi Park on Jan 27 to remember the murdered and missing journalists and demand justice for the crimes against journalists and media organizations in the past.

Source: MFRM Desk

10. Supreme Court grants leave to proceed with the petition filed by Anuruddha Bandara against Deputy Inspector General Deshabandu Thennakoon.

Social media influencer Anuruddha Bandara filed this fundamental rights petition regarding the violation of his right to freedom, freedom of expression and equality before the law by arresting him without just cause on April 1, 2022. Eleven police officers, including the Senior Deputy Inspector General of Police, in charge of the Western Province, Deshabandu Tennakoon, and the Officer-in-Charge of the Crime Division of the Modara Police, have been named as respondents. A team of lawyers, including President's Counsel Saliya Peiris, appeared on behalf of the plaintiff.

Thisara Anuruddha Bandara was an activist in the April 03 protest against former President Gotabhaya Rajapaksa and also worked as an admin of the Facebook group GoHomeGota2022.

Source: headlinenews.lk

11. Sirasa journalists who were assaulted by police filed a fundamental rights petition in the Supreme Court.

A fundamental rights petition submitted by the journalists who were attacked by police to the Supreme Court regarding the attack on Sirasa TV journalists who were reporting a demonstration

near the Prime Minister's private residence on July 9th 2023 was considered on January 31st. Four senior police officers, including the Inspector General of Police, have been named as respondents in this petition.

The petition is being considered before the bench of Supreme Court Justices Buwaneka Aluvihare, S. Thureiraja and Mahinda Samayawardena. These petitions are scheduled to be called again on July 26.

Source: www.youtube.com

12. Colombo Chief Magistrate ordered the release of Wasantha Mudalige who was detained under the Prevention of Terrorism Act (PTA).

On January 31, the Colombo Chief Magistrate ordered the release of Wasantha Mudalige, convener of the Inter-University Student Union, who was arrested on August 18, 2022, and detained for 167 days under the Prevention of Terrorism Act (PTA). The judgment stated that none of the presented evidence had revealed that the suspect had committed any offence under the PTA.

This is the first time that a suspect who was arrested under the PTA has been released by a Magistrate's Court. The judgement has caught attention as a historic decision.

Sources: www.adaderana.lk

Structural conditions

This dimension includes six potential indicators that are relevant to the overall structure of the media system. Three incidents that belong to the index of 'active support for media freedom by monitoring groups' is included here.

Table 3: January 2023: Structural Conditions - 03 incidents

Indicator	Number of reported incidents
Active support for media freedom by monitoring groups	03
Total	03

01. Seven international organizations issued a joint statement against the detention of the convener of the Inter-University Student's Federation, Wasantha Mudalige.

Amnesty International, the Asian Forum for Human Rights and Development (FORUM-ASIA), CIVICUS, Frontline Defenders, Human Rights Watch, the International Working Group

on Sri Lanka and the Sri Lanka Movement for Peace and Justice said in a joint statement that Wasantha Mudalige had been in detention since August 18, 2022, and the Sri Lankan government should immediately end this "arbitrary detention".

These organizations emphasized that Mudalige had been detained under an order signed by President Ranil Wickremesinghe under the Prevention of Terrorism Act (PTA). they stated that it was a cruel law that the Sri Lankan government had long before promised to repeal.

Sources: www.ft.lk, mawbima.lk

02. International Federation of Human Rights state that the government of Sri Lanka violate human rights.

The International Federation for Human Rights (FIDH) in its latest report accused the Sri Lankan government of violating international human rights and laws. They further accused the government had systematically launched repression in the country by suppressing the people’s struggles. FIDH, which

includes 188 organizations from 116 countries, further stated that the president's statement that he would use the emergency regulations to deploy the Army and he would not allow any further struggles in the country was a very serious statement.

Source: www.youtube.com

03. An academic dialogue is held under the theme ‘social media regulation and freedom of expression’

Based on the President's announcement that new laws will be introduced to regulate social media, a conversation organized by 'Hashtag Generation' was held online on January 27.

Professor Rohan Samarajeeva (Chairman, LIRNEasia) Mandana Ismail (Editor, The Sunday Morning) Jagath Wickramanayake (President's Counsel) participated as resource persons in the dialogue which was moderated by Namya Gunawardena, Attorney-at-Law.

Source: hashtag generation

Table 5: Press freedom incidents reported to FMM from January 2023

Covered criterion	January 2023
Safety and Security	-
Legal conditions	12
Independence of media	-
Professionalism	-
Structural conditions	03
Total	15

[FMM Press Freedom Reports - 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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