

2023 February

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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 February 2023, FMM observed 14 incidents relevant to the scope/ criteria selected by FMM to monitor press freedom. They included four incidents related to safety and security, nine incidents related to the component of legal conditions and one event related to the component of professionalism.

Incidents monitored:

1. The court issued an order prohibiting a group of named activists from entering the area where National Independence Day was commemorated.
2. The police attacked and dispersed the Satyagraha campaign held near the Elphinstone Theatre.
3. Bail was granted to four activists who were arrested and produced in court during the above-mentioned Sathyagraha campaign.
4. Police decided to file an appeal against the release of Wasantha Mudalige, convener of the Inter-University Student Union.
5. The university administration informed the court that the allegations made by the police against the student leaders of Kelaniya University were baseless.
6. The arrest of 18 protestors including Jaffna district MP Kajendran for protesting the President's Jaffna tour.
7. Conducting a training program for journalists on investigating the transparency and accountability of the Government of Sri Lanka during the Covid-19 period.

8. Mariosures Ishwari, president of the Association of Relatives of the Disappeared, complained to the Human Rights Commission that the police had conspired against them to prevent them from participating in the protests.
9. Human Rights Commission issued a recommendation regarding the registration of news websites.
10. Court issued a restraining order concerning a protest called by Samagi Jana Balawega.
11. Sixty-two university students including student monks who were arrested on charges of forced entry into the Ministry of Education remanded.
12. Police arrested two teachers' union activists for video recording police assaulting students inside the Ministry of Education.
13. The court banned Anura Kumara Disanayaka, MP, and 25 others from entering in several areas in Colombo.
14. A protester lost his life after a tear gas attack by the police to disperse a protest.

Table 1: Total number of incidents reported - February 2023

Covered component	Number of reported incidents
Safety and Security	04
Legal conditions	09
Professionalism	01
Total	14

Safety and Security

An environment in 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. Four instances of violation of these basic freedoms were observed in January. A tear gas attack on a protest resulted in one person losing his life and another being critically ill, which is a very serious situation.

Table 2: February 2023: Safety and security of journalists - 04 incidents

Criterion	Number of reported incidents
Loss of life/ killings	01
Assaults	01
Psychological influence	02
Total	04

01. The police attacked and dispersed the Sathyagraha campaign held near the Elphinstone Theatre.

A group of civil activists protested against the Independence Day celebrations at a high public expense. This Sathyagraha campaign was started on February 03 and that night, a mob stormed in and

tried to disrupt it. After that, the police attacked the protestors, fired tear gas and water cannons and dispersed them. The actions of the police were heavily criticized by civil activists including lawyers. Four activists were arrested by the police.

Source: www.youtube.com

02. Mariosures Ishwari, president of the Association of Relatives of the Disappeared, complained to the Human Rights Commission that the police had conspired against them to prevent them from participating in the protests.

Mariosures Ishwari, president of the Association of Relatives of the Disappeared, complained to the Human Rights Commission that police were continuously pressurizing them not to participate in the protests. She complained that the police conspired to arrest her son on a false charge while she was participating in a protest held on February 06 in connection with Independence Day. She appealed to the Human Rights Commission and international human rights defenders to ensure her safety.

Source: www.youtube.com

03. Police arrested two teachers’ union activists for video recording police assaulting students inside the Ministry of Education.

On February 23, a group of students of the Pali and Buddhist University, including monks, were engaged in a protest inside the Ministry of Education, Battaramulla. Two activists of teachers’

unions were arrested while they were filming the police beating the students and chasing them away.

Teachers’ union activists Samith Harshanath and Nalaka de Silva faced this situation while attending a transfer board meeting with the Education Ministry officials that day. They were taken to the Thalangama Police and released after questioning.

Source: vivaraneews.com

04. A protester lost his life after a tear gas attack by the police, fired to disperse a protest.

Nimal Amarasiri (61), a resident of Nivithigala, died while receiving treatment in the intensive care unit of the Colombo National Hospital after getting ill due to police tear gas during an anti-government demonstration held by the National People's Power on February 26.

Ajith Gamage (46), a resident of Kesbewa, who was attacked, was admitted to the intensive care unit of the Colombo National Hospital in critical condition, while 28 others were injured in the police attacks.

Source: lankatruth.com

Legal Conditions

Nine incidents under the component of legal conditions related to press freedom were observed during the month of February. Repeated police actions against the freedom of speech and expression stand out among them. A trend of the police seeking injunctions from the courts against all forms of protests was observed in the last few months including February. Due to the incidents included in the February report, the police arrested 86 protesters, and 84 of them were produced in court. Sixty-two of them were remanded and 22 were granted bail.

Table 3: February 2023: Legal conditions - 09 incidents

Indicator	Number of reported incidents
Legal actions	09
Total	09

01. The court issued an order prohibiting a group of named activists from entering the area where National Independence Day was commemorated.

Based on a request made by the Colombo Fort Police from the Colombo Fort Magistrate Court, an

order was issued on February 03 against 29 people including the convener of the Inter-University Students Federation, Wasantha Mudalige, the General Secretary of the Ceylon Teachers Union, Joseph Stalin, Fr. Jeevantha Peiris, and lawyer

Nuwan Bopage. They were banned from entering Galle Face grounds and several roads around it on February 4, when the National Independence Day would be commemorated.

Source: www.youtube.com

02. Bail was granted to four activists who were arrested and produced in court during the above-mentioned Sathyagraha campaign.

The Maradana Police reported the facts to the Maligakanda Magistrate's Court against four people including social media influencer Priyath Nikeshala under the charges of engaging in an illegal protest violating the National Highways Act and causing a public disturbance. The magistrate released them on the personal surety of Rs. 100,000 each. Three of the above-mentioned activists were also named as defendants in another case of violent behaviour against three persons who had attempted to attack the Sathyagraha protest. The magistrate acquitted them from the charges.

Source: divaina.lk

03. Police decided to file an appeal against the release of Wasantha Mudalige, convener of the Inter-University Student Federation.

Police are to file an appeal before the Colombo High Court against the decision of the Colombo Chief Magistrate on January 31 to discharge Wasantha Mudalige, who was detained for a long time under the Prevention of Terrorism Act. The Police Media Spokesman said on February 02 that a submission was made to the Attorney General in this regard.

Source: www.aruna.lk

04. The university administration informed the court that the allegations made by the police against the student leaders of Kelaniya University were baseless.

The university administration informed the court through the lawyers of the students that the allegations by the police against the student activists Kalum Mudannayake, President of the Students Council of Kelaniya University and student activist Dilshan Harshana in connection with ragging were baseless. They had been remanded since January

for this charge, and when the case was called at the Mahara Magistrate's Court on February 13, the lawyers informed the court of this fact. The magistrate ordered to remand them further until February 20.

Source: mawbima.lk

05. The arrest of 18 protestors including Jaffna district MP Kajendran for protesting the President's Jaffna tour.

Eighteen persons, including Tamil National People's Party Member of Parliament Selvaraja Kajendran and Ceylon Teachers' Union Jaffna District Organizer Theepan Thileeshan, were arrested during a protest held in front of the Jaffna bus stand on February 11 for protesting the President's Jaffna visit. After being produced that night before the Jaffna Acting Magistrate on charges of 'entering a high-security zone' and violating a court order, they were released on personal bail of Rs 300,000 each.

Source: www.adaderana.lk

06. Human Rights Commission issued a recommendation regarding the registration of news websites.

The Human Rights Commission of Sri Lanka recommended to the Ministry of Media prepare and submit a more transparent legal system regarding the registration of news websites.

The Human Rights Commission made these recommendations after hearing a complaint filed against the Ministry of Media by mediak.com editor-in-chief Tharindu Jayawardena due to refusing to register the website, citing that it had not received the clearance from the Ministry of Defense.

Source: theleader.lk

07. Court issued a restraining order concerning a protest called by Samagi Jana Balawega.

The restraining order was issued by the Colombo Fort Magistrate following a request made by Fort Police in connection with a protest held by the Samagi Jana Balawegaya in Colombo on February 20. Accordingly, the seven named respondents and

the people accompanying them were banned from entering the President's Office, the Presidential Palace, the Ministry of Finance and the Galle Face premises.

Source: colombotimes.lk

08. Sixty-two university students including student monks who were arrested on charges of forced entry into the Ministry of Education remanded.

Sixty-two university students, including the convener of Inter-University Students' Federation Wasantha Mudalige and 53 student monks, who were arrested while engaged in a protest in the Ministry of Education in Battaramulla on February 23, were produced before the Kaduwela Magistrate and remanded until February 27.

The Thalagama Police framed charges of forcible entry into the Ministry of Education, damage to public property, obstructing and harassing officials who were performing their duties, criminal intimidation of the public, and conspiracy against these suspects.

Source: www.colomboxnews.com

09. The court banned Anura Kumara Disanayaka, MP, and 25 others from entering several areas in Colombo.

Colombo Fort Magistrate issued this order based on the request made by the Officers-in-Charge of Fort, Kompannaveediya and Kollupitiya Police Stations regarding the protest organized by the National People's Power in Colombo on February 26, against postponing the election and the increase in electricity tariffs and taxes.

The order prohibited the named group of persons from entering several areas of Colombo city including the Presidential Palace, the Presidential Secretariat and Galle Face from 1 p.m. to 8 p.m. on February 26.

Source: news19.lk

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. Among them, one important event was observed under these indices in February.

Table 4: February 2023: Professionalism - 01 incident

Indicator	Number of reported incidents
Education and training of the journalists	01
Total	01

01. Conducting a training program for journalists on investigating the transparency and accountability of the Government of Sri Lanka during the Covid-19 period.

The workshop was held at the Sri Lanka Press Institute on February 11 and 12 for a group of

journalists selected by the Free Media Movement on writing investigative articles on the subject.

Source: www.facebook.com

Table 5: Press freedom incidents reported to FMM January - February 2023

Covered criterion	January 2023		February 2023
	New incidents	Developments of the previous incidents	
Safety and Security	-	-	04
Legal conditions	11	01	09
Independence of media	-	-	-
Professionalism	-	-	01
Structural conditions	03	-	-
Total	14	01	14

[FMM Press Freedom Reports - 2022-2023 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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