

2023 April

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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 April 2023, FMM observed 15 incidents relevant to the scope/criteria selected by FMM to monitor press freedom. They included four incidents related to safety and security, six incidents related to the component of legal conditions, four events related to the component of structural conditions, and one incident related to professionalism.

Incidents monitored:

1. Journalist Punyamurthi Sasikaran complained to the police regarding a threat by a Minister
2. Colombo High Court summoned the appeal filed against the release of Wasantha Mudalige.
3. Journalist Shantha Wijesuriya complained to police headquarters regarding an attack by police
4. Human Rights Watch claims that the draft Anti-Terror Act is a threat to democracy
5. Amnesty International claims that the US President should protest the draft Anti-Terror Act
6. International Commission of Jurists urges the government of Sri Lanka to withdraw the draft Anti-Terror Act
7. The report of the Bar Association committee which was appointed to study the Anti-Terror Act was launched
8. The Minister of Justice says that the government has decided to delay the Anti-Terror Act
9. Court rejects a police request to ban a protest regarding Easter Sunday attack

10. Court imposes an injunction against social media activist Darshana Handungoda
11. A TV anchor of ITN claims she has resigned due to the sexual influences of a chief of the institute
12. The Minister of Media says in parliament that a new Act will be drafted to regulate broadcast media
13. Free Media Movement (FMM) complains against unethical reporting regarding a suicide
14. Remembering slain journalist Dharmarathnam Sivaram
15. Police inadvertently disturbed a group that came to observe Ifthar at Galle Face

Table 1: Total number of incidents reported - April 2023

Covered component	Number of reported incidents
Safety and Security	04
Legal conditions	06
Professionalism	01
Structural conditions	04
Total	15

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 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 April.

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

Coverd Criterion	Number of reported incidents
Assaults	01
Psychological influences	03
Total	04

1. Journalist Punyamurthi Sasikaran complained to the police regarding a threat by a Minister

The journalist has lodged a complaint at the Batticaloa Headquarters Police under number CIB/iii/249/192 claiming that he was threatened by State Minister Sivanesathurai Chandrakanthan during the Batticaloa District Coordination Meeting held on March 30.

Source: twitter.com/JDSLanka

The journalist submitted this complaint on April 6 regarding the assault by a group of police officers including a senior police officer during the commemoration of the 2022 Aragalaya held in Nugegoda on March 31. During that protest, the police attacked the social activist Lahiru Weerasekera also and the journalist claims that he was attacked while photographing it. He says that the police accused him of obstructing the police's duty

Sources: www.youtube.com, thetime.lk

2. Journalist Shantha Wijesuriya complained to police headquarters regarding an attack by police

3. A TV anchor of ITN claims she has resigned due to the sexual influences of a chief of the institute
4. Police inadvertently obstructed a group that tried to observe Ifthar at Galle Face.

Ishara Devendra, a well-known TV anchor, posted on her Facebook account that she had complained to the authorities of the company with video and audio evidence about the related incident but did not get a solution. She claimed that she resigned for self-respect.

Media Minister Bandula Gunawardena announced in Parliament on April 25 that the Chairman of Independent Television, Sudarshana Gunawardena, was abroad, and that an investigation would be conducted after he returned.

Sources: www.ceylonmirror.net

On April 9, the police turned back a group of people who tried to gather in Galle Face to observe Ifthar. The group claims they appreciate religious and national harmony. Police have pressurized them to chant religious texts to distinguish Muslims in the group. This action of the police was severely criticized by the participants and organizers. Sri Lanka Muslim Council complained to the Inspector General of Police regarding this incident.

Sources: facebook.com/tassy.dahlan, facebook.com

Legal Conditions

Six incidents under the component of legal conditions related to press freedom were observed during May. They include three incidents related to legal action, two incidents related to legal reforms, and one incident related to the immunity for the crime against journalists.

Table 3: April 2023: Legal conditions - 06 incidents

Indicator	Number of reported incidents
Legal actions	03
Legal reforms	02
Immunity for crimes against journalists	01
Total	06

01. Colombo High Court summoned the appeal filed against the release of Wasantha Mudalige.

The Attorney General has filed this appeal against the Colombo Magistrate's Court's decision to release Wasantha Mudalige, the former convenor of the Inter-University Students Federation. He was arrested and remanded under the Prevention of Terrorism Act and released later. The case was called on April 3 to correct a legal error in the petition and was scheduled to be called again on June.

Source: dasathalankanews.com

02. The Minister of Justice says that the government has decided to delay the Anti-Terror Act

The Minister of Justice announced on April 6

that considering the demands regarding the Anti-Terrorism bill published in a gazette on March 17, 2023, the government had decided to postpone its presentation to Parliament.

He also mentioned that the presentation of the bill had been delayed in view of the court vacation to allow the parties to go to court regarding the bill.

Source: theleader.lk

03. Court rejects a police request to ban a protest regarding Easter Sunday attack

Negombo Acting Magistrate Indika De Silva rejected a request by the police to ban a protest scheduled to be held on April 21 demanding justice for the victims of the Easter Sunday terror attacks.

The magistrate emphasized that the court had

no power to prohibit the right of the public to peacefully assemble and express their views, according to articles 13 and 14 of the Constitution, based on the assumptions of the police.

Source: thetime.lk

04. Court imposes an injunction against social media activist Darshana Handungoda

The Colombo District Court imposed this injunction to prevent the posting of false facts regarding the 'X Press Pearl' compensation case and defamatory facts against an Additional Solicitor General of the Attorney General's Department and a senior government lawyer on Handungoda's YouTube channel.

Colombo District Judge Poornima Paranagama issued these injunctions after considering a complaint submitted by Additional Solicitor General Wikum de Abrew and senior state counsel Nayomi Kahwita. The injunction will be effective until May 10.

Source: theleader.lk

05. The Minister of Media says in parliament that a new Act will be drafted to regulate broadcast media

Minister of Media Bandula Gunawardena stated that Sri Lanka currently had 25 licensed television stations and 51 radio stations, and the licensing procedures and conditions had serious discrepancies. He further stated that a parliamentary sub-committee headed by Minister Wijedasa Rajapaksa had been appointed to draft a Broadcasting Authority Act to establish a proper system in this regard.

Source: theleader.lk

06. Remembering slain journalist Dharmarathnam Sivaram

Two memorial services were held in Batticaloa and Mullaitivu on April 29 to commemorate assassinated journalist Dharmarathnam Sivaram, popularly known as Taraki. He was abducted and murdered 18 years ago. These celebrations were organized by journalistic organizations based in those areas.

Sources: twitter.com/JDSLanka, twitter.com/JDSLanka

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 was observed under this component in April.

Table 4: April 2023: Professionalism - 01 incident

Indicator	Number of reported incidents
Use of international guidelines by journalists and editorials	01
Total	01

1. Free Media Movement (FMM) complains against unethical reporting regarding a suicide

The complaint has been submitted to the Press Complaints Commission regarding a news article published by Dinamina newspaper on April 20 about the death of young social activist Buddhi

Prabodha Karunaratne. The complaint mentioned that the report severely violated the ethics of suicide reporting and that the deceased person had been prejudiced for political reasons.

Source: rata.lk

Structural conditions

This component includes six potential indicators that are relevant to the overall structure of the media system. Four incidents that belong to the index of 'active support for media freedom by monitoring groups' are included here. This includes the response from several parties to the proposed Anti-Terrorism Act, which seriously challenges fundamental rights, including freedom of speech and expression.

Table 4: April 2023: Structural Conditions - 04 incidents

Indicator	Number of reported incidents
Active Support of Media Freedom by Monitoring Groups	04
Total	04

1. Human Rights Watch claims that the draft Anti-Terror Act is a threat to democracy

Human Rights Watch pointed out that this Act would violate the fundamental rights, including freedom of assembly and expression, of Sri Lankans. The organization emphasizes that the government should rescind the proposed Anti-Terrorism Bill and that any anti-terrorism law that is intended to be passed in the future must comply with international human rights standards.

Source: www.hrw.org

2. Amnesty International claims that the US President should protest the draft Anti-Terror Act

Amnesty International claims that the Anti-Terrorism Bill has failed in terms of each human rights benchmark, and the law should be repealed outrightly to safeguard the rights of the Sri Lankan people. Amnesty International said that the US President should send a clear message to the President of Sri Lanka, Ranil Wickremesinghe, that this law should be completely amended or removed. The relevant announcement further stated that the proposed legislation was an insult to Sri Lanka's civil society, which had been advocating for decades for legal reforms to protect human rights. The statement added that the bill was an attempt to strengthen the government's capacity to target and silence critics.

Source: www.amnestyusa.org

03. International Commission of Jurists urges the government of Sri Lanka to withdraw the draft Anti-Terror Act

International Commission of Jurists strongly opposed the imposition of the death penalty through this bill and claimed that it would further the current record of human rights violations in Sri Lanka. The ICJ emphasized that the proposed bill violated the rights to freedom of speech and expression, peaceful assembly and association safeguarded by Article 14 of the Constitution, as well as the right to freedom from arbitrary arrest guaranteed by Article 13.

Source: www.icj.org

04. The report of the Bar Association committee which was appointed to study the Anti-Terror Act was launched

The Bar Association of Sri Lanka announced on April 5 that it had appointed a committee of senior lawyers to review the proposed Anti-Terrorism Bill published in a gazette on March 17, 2023. Later, the report of the committee was released on April 26.

According to the report, fundamental rights including freedom of speech and expression are violated by the relevant bill, and the principles of the Criminal Procedure Code are violated by 17 articles of the bill.

Sources: basl.lk, basl.lk/media-statement

Table 5: Press freedom: incidents reported to Free Media Movement (FMM) January – April 2023

Covered component	2023 January - March		2023 April
	New incidents	Developments of the previous incidents	
Safety and Security	14	-	04
Legal conditions	26	02	06
Independence of media	-	-	-
Professionalism	01	-	01
Structural conditions	07	-	04
Total	48	02	15

[FMM Press Freedom Reports - 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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