

2023 June

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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 June 2023, FMM observed 20 incidents relevant to the scope/ criteria selected by FMM to monitor press freedom. They included four incidents related to safety and security, 13 incidents related to the component of legal conditions, two events related to the component of structural conditions, and one incident related to professionalism.

Incidents monitored:

1. Complaint lodged in Criminal Investigation Department (CID) regarding threats to two comedians
2. Court orders to start an investigation regarding a press conference held to protest the arrest of comedian Natasha Edirisuriya
3. The case regarding attacking the protesters at Galle Face called before the Colombo Fort magistrate
4. Police used tear gas and baton charges to disperse a protest demonstration of the Inter-University Students' Federation
5. A draft outline of the proposed Act for the regulation of electronic media was given to the Broadcasters' Guild to get their response
6. President states that the proposed Act for the regulation of electronic media will not violate freedom of expression
7. Complain lodged in CID against two television channels and two websites
8. A dialogue held on the regulation of media, state repression, and the freedom of expression and art

9. Police interrogate two Jaffna journalists
10. A case against activists of the Aragalaya called before Colombo Fort magistrate court
11. Twenty-two university students accused of damaging public property during a protest were acquitted by the court
12. Police sergeant interdicted for expressing views via social media
13. The Court of Appeal quashed the letter issued by the Attorney General naming Deshabandu Tennakoon as a suspect over the attacks on 'GotaGoGama' at the Galle Face Green on 9th May 2022
14. Journalist Darshana Handungoda submits to court regarding the prejudice of the CID against him.
15. Court orders to further remand comedian Natasha Edirisuriya and to release Bruno Divakara
16. Arrest of comedian Natasha Edirisuriya and the Prevention of Terrorism Act criticized at the Human Rights Council in Geneva
17. Buddhist monk Rajangane Saddharathana Thero who was arrested for making statements against religious harmony re-remanded
18. Social media activist Piyath Nikesala arrested by CID
19. Filing of a revision petition seeking to set aside the order to hold an inquiry in connection with a press conference
20. Government publishes a draft bill on contempt of court

Table 1: Total number of incidents reported - June 2023

Covered component	Number of reported incidents
Safety and Security	04
Legal conditions	13
Professionalism	01
Structural conditions	02
Total	20

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. Many instances of violation of these basic freedoms were observed in June. Many of them are related to legal actions and they are categorized under that component.

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

Covered criterion	Number of reported incidents
Assaults	01
Psychological and other influences	03
Total	04

01. Complaint lodged in Criminal Investigation Department (CID) regarding threats to two comedians

Comedians Lakmal Weerasuriya and Sahan Arossha, known as 'Lakai Sikai', complained that they and their family had been threatened on social media

for participating in and laughing at the comedy show of Natasha Edirisuriya, who was arrested under the charge of insulting Buddhism. Lakmal Weerasuraya's wife went to the CID with a lawyer and submitted the complaint.

Source: theleader.lk

02. Police used tear gas and baton charges to disperse a protest demonstration of the Inter-University Students' Federation

This protest march started on June 07 near Sri Jayawardenepura University and police stopped it using roadblocks at the Wijerama junction. Tear gas and batons were used to disperse the protesters. The police had obtained two prohibitory orders from Colombo Fort and Maligakanda Magistrate Courts against this protest.

Source: www.youtube.com

03. Police interrogate two Jaffna journalists

Jaffna, independent journalist Thambidurai Pradeepan and in Kilinochchi, independent journalist T. Paramasivan were summoned to the

Kilinochchi Deputy Inspector General's office on 21st June. They were questioned regarding reports they had published regarding an incident on June 2nd at a Maruthankarni playground, in which MP Gajendra Kumar Ponnambalam was involved. The journalists stated that police questioned how the information was reported and who gave the information. The journalists say they refused to disclose the information Sources.

Source: lankafiles.medium.com

04. Police sergeant interdicted for expressing views via social media

Police Sergeant Wimal Jayasekara (No. 10412), who was attached to the Colombo, Cinamon Gardens Police, has been suspended since June 22 since he released three videos on YouTube and expressed his views regarding the misconduct of the police department.

The relevant suspension order states that the officer has committed 'one or more offenses or misconduct under the Disciplinary Code of Appendix A7B of the Sri Lanka Police Order'.

Source: thetime.lk

Legal Conditions

Thirteen incidents under the component of legal conditions related to press freedom were observed during June. They include judicial actions against freedom of speech, developments in previous cases as well as proposals for legal reform.

Table 3: June 2023: Legal conditions - 13 incidents

Indicator	Number of reported incidents
Legal actions	10
Legal reforms	03
Total	13

01. Court orders to start an investigation regarding a press conference held to protest the arrest of comedian Natasha Edirisuriya

When the case related to Natasha Edirisuriya, who was arrested for making a statement insulting Buddhism, was called before the Colombo Fort Magistrate on June 07, the Magistrate ordered the CID to investigate the relevant press conference

based on the facts presented by the lawyers of the prosecution. The above news conference was held by a group of civil activists protesting the filing of charges against Natasha under the ICCPR Act. Tharindu Jayawardena, Vidarshana Kannangara, Tharindu Uduvaragedara, Lakmali Hemachandra, and Brito Fernando expressed their opinions there.

Source: www.bbc.com, facebook.com

02. The case regarding attacking the protesters at Galle Face called before the Colombo Fort magistrate

When this case was called on June 7th, the CID reported to the court that it had received the Attorney General's instructions regarding the suspects in this case, but a petition challenging the instructions has been submitted to the Court of Appeal and the related decision is expected to be received on June 23rd. Accordingly, the case was scheduled to be recalled on July 19. The magistrate also ordered to lift the foreign travel ban imposed on Namal Rajapaksa and others who have not been named as suspects in this case. Ex-minister Johnston Fernando, Sanath Nishantha, Milan Jayathilake, and others have been named as suspects here.

Source: www.ft.lk

03. A draft outline of the proposed Act for the regulation of electronic media was given to the Broadcasters' Guild to get their response

A Cabinet Sub-Committee chaired by the Minister of Justice has compiled a preliminary draft for the regulation of electronic broadcasting, according to a resolution passed by the Cabinet on September 9, 2022. The draft was forwarded to the Broadcasters' Guild and criticisms are being published from various parties regarding the content of this draft. The Media Law Forum released a document containing 'Observations, Criticisms, and Suggestions for Amendments' on the draft.

Source: medialawforum.org

04. President states that the proposed Act for the regulation of electronic media will not violate freedom of expression

Addressing a ceremony held at the Homagama Divisional Secretariat on June 15, the President said that the purpose of this Act is only to provide an opportunity for any party aggrieved by electronic media to get relief. He said that he had instructed to include the same guidelines for electronic media used in the United Kingdom. The government has presented a rough draft of the relevant bill, and the Minister of Mass Media explained it to the media on June 13.

Sources: lankafocusnews.com, sinhala.news.lk

05. A case against activists of the Aragalaya called before Colombo Fort magistrate court

The Kompannaveediya police have filed this case against nine activists of the Aragalaya (struggle to oust former President Gotabaya Rajapaksa) including actress Damita Abeyratne, Joseph Stalin, Rathindu Senaratne, alleging that they blocked the main gate of the Colombo Fort Magistrate's Court on May 30, 2022. When the case was called on June 20, the magistrate ordered the police to submit an investigation report on the related charges on the next court date and ordered the case to be called again on October 9.

Source: www.dailymirror.lk

06. Twenty-two university students accused of damaging public property during a protest were acquitted by the court

The Attorney General framed charges against 22 former university students including Udul Premaratne, the former convener of the Inter-University Students' Federation, in connection with a protest held in front of the University Grants Commission 13 years ago.

After a lengthy trial, Colombo High Court Judge Damith Thotawatta, giving his verdict on June 23, said that none of the charges against the defendants under the Public Property Act had been proven beyond a reasonable doubt. Accordingly, the defendants were acquitted of all charges.

Source: theleader.lk

07. The Court of Appeal quashed the letter issued by the Attorney General naming Deshabandu Tennakoon as a suspect over the attacks on 'GotaGoGama' at the Galle Face Green on 9th May 2022

The order was issued by the Court of Appeal on June 26 announcing the verdict on two writ petitions filed by Deputy Inspector General of Police Deshabandu Tennakoon before the Court of Appeal. The Attorney General issued the relevant letter after many parties presented facts that the Deputy Inspector General of Police in charge of the Western Province was responsible for not acting to prevent the attack that was carried out on May 9, 2022.

Source: www.newsfirst.lk

08. Journalist Darshana Handungoda submits to the court regarding the prejudice of the CID against him.

In relation to a civil case filed in the Colombo District Court, the CID started a separate investigation and summoned the journalist to the police and recorded statements. CID inspected his house and forced them to hand over their professional gear including the computer.

On June 7, President's Counsel Maithri Gunaratne submitted a motion regarding the case filed by an Additional Solicitor General attached to the Attorney General's Department and a state counsel before the Colombo District Court regarding a video published on a YouTube channel about receiving compensation related to the X-Press Pearl shipwreck.

Source: [youtube.com](https://www.youtube.com)

09. Court orders to further remand comedian Natasha Edirisuriya and to release Bruno Divakara

On June 21, the Colombo Fort Magistrate ordered the further detention of comedian Natasha Edirisuriya, who was remanded on charges of insulting Buddhism, and the release of SL Vlog YouTube channel owner Bruno Divakara, who was remanded for aiding and abetting her.

Accordingly, Bruno Divakara was ordered a cash bail of 50,000 rupees and personal security worth two million rupees. Foreign travel was banned for him.

Source: [bbc.com](https://www.bbc.com)

10. Buddhist monk Rajangane Saddharathana Thero who was arrested for making statements against religious harmony re-remanded

Rajangane Saddharathana Thero was arrested by the CID on May 28 and was remanded until June 7 after being produced before the Colombo Fort Magistrate Court. When the case was called again on that day, he was re-remanded until June 21st and then until July 5th. Charges have been filed against the Buddhist monk under the ICCPR Act, Computer Crimes Act, and Section 120 of the Penal Code.

Source: [adaderana.lk](https://www.adaderana.lk)

11. Social media activist Piyath Nikesala arrested by CID

Social media activist Piyath Nikesala was called to the CID on June 26 to obtain a statement regarding setting fire to the private house of then Prime Minister Ranil Wickremesinghe in Kollupitiya on July 9th, 2022. He was arrested on June 26 and produced before Colombo Fort Magistrate on the 27th. He was released under Rs. 25,000 cash bail and two sureties worth Rs. 500,000.

Source: [mawbima.lk](https://www.mawbima.lk)

12. Filing of a revision petition seeking to set aside the order to hold an inquiry in connection with a press conference

This revision petition has been filed before the Colombo High Court requesting that the order given by the Colombo Fort Magistrate's Court to the CID to investigate whether a news conference held on the arrest of comedian Natasha Edirisuriya caused contempt of court be annulled. This petition was filed by journalist Tharindu Jayawardena who expressed his views at the press conference held on May 29.

Source: www.bbc.com

13. Government publishes a draft bill on contempt of court

The Bill titled "Contempt of a Court, Tribunal or Institution" was published in the Gazette on June 27. 'Contempt of court', which has not had a clear definition so far, has been defined by this bill, but there are reactions that it will severely affect the freedom of expression and media.

Source: [sinhala.srilankabrief.org](https://www.sinhala.srilankabrief.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. Among them, one event was observed under these indices in June.

Table 4: June 2023: Professionalism - 01 incident

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

01. Complain lodged in CID against two television channels and two websites

The complaint stated that Hiru and Derana television channels and Dasata Lanka and Madhyawediya websites continue to publish news in a manner that sows religious disharmony. Special emphasis has been placed on the reporting

of Natasha Edirisuriya's controversial comedy, and Chinthana Dharmadasa, Professor Rohan Samarajeeva, and Jayani Abeysekera on behalf of the 'Radical Middle Collective' presented this complaint on June 13.

Source: theleader.lk

Structural conditions

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

Table 5: June 2023: Structural Conditions - 02 incidents

Indicator	Number of reported incidents
Active support for media freedom by monitoring groups	02
Total	02

01. The arrest of comedian Natasha Edirisuriya and the Prevention of Terrorism Act were criticized at the Human Rights Council in Geneva

Nada Al-Nashif, the United Nations Deputy High Commissioner for Human Rights, presented a report on Sri Lanka for the 53rd session of the Human Rights Council on June 22. The report focused its attention on the arrest of Natasha Edirisuriya and MP Gajendrakumar Ponnambalam, a crackdown on protests and protest leaders, the use of the army for police duties, the new "Anti-Terrorism"

bill gazetted in March, which restricts freedom of expression, peaceful assembly, and even labour rights.

Source: www.tamilguardian.com

02. A dialogue held on the regulation of media, state repression, and the freedom of expression and art

This dialogue, organized by the Colombo Action Committee for the release of comedian Natasha Edirisuriya, was held on June 17 via Zoom.

Writer Parakrama Kuruppu, lawyer Sanjay Wilson Jayasekara, journalist Nandana Nannetti and journalist Shantha Wijesuriya addressed.

Source: [facebook.com](https://www.facebook.com/fmm.srilanka)

Table 6: Press freedom: incidents reported to Free Media Movement (FMM) January - June 2023

Covered component	2023 January - May		2023 June
	New incidents	Developments of the previous incidents	
Safety and Security	18	-	04
Legal conditions	37	08	13
Independence of media	-	-	-
Professionalism	03	-	01
Structural conditions	19	-	02
Total	77	08	20

[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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