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Umara Sinhawansa was summoned before the committee appointed to investigate the allegation



Jaffna Press Club commemorates slain journalist Sahadevan Nilakshan



Police influenced a teacher who published a social media post

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 July 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, eight incidents related to the component of legal conditions, and two events related to the component of structural conditions.

Incidents monitored:

1. Vocalist Umara Sinhawansa was summoned before the committee appointed to investigate the allegation that she had distorted the singing of the national anthem.
2. The Committee for Protecting Journalists (CPJ) protested the arrest of journalist Tharindu Uduwaragedara and assaulting him.
3. Two persons identified as intelligence officers have questioned the mother of journalist Tharindu Uduwaragedara.
4. Court of Appeal ordered the Inspector General of Police to show cause for the failure to prevent the
5. attack on the Galle Face protest site.
6. Jaffna Press Club commemorates slain journalist Sahadevan Nilakshan.
7. Police influenced a teacher who published a social media post regarding an injustice she faced at a hospital.
8. Three journalists in Batticaloa were threatened and detained by an organized group while reporting
9. A dialogue was held at the Sri Lanka Foundation regarding the draft bill on the Electronic Broadcast Regulatory Commission.

9. Police attacked a students' protest in Colombo with water canons and arrested 22 students.
10. Fundamental Rights petitions against the draft bill on contempt of court examined.
11. The Speaker informed the Parliament of the decision of the Supreme Court regarding the 'Bill on Contempt of Court, Judicial Authority or Institution'.
12. The Court of Appeal decided to hear the petition of journalist Tharindu Jayawardena.
13. Police warned for not producing the other suspects in the case against journalist Tharindu Uduwaragedara
14. Journalist Tharindu Jayawardena requested the Information Commission to take legal action regarding police disregarding an order of the Commission.
15. Not granting permission for the journalists to cover the meeting of the Trincomalee district coordinating committee.

Table 1: Total number of incidents reported - August 2023

Covered component	Number of reported incidents
Safety and Security	05
Legal conditions	08
Structural conditions	02
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 August. Many of the observed incidents are related to legal actions and they are categorized under that component.

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

Covered criterion	Number of reported incidents
Obstructions/ Restricting freedom	02
Psychological and other influences	03
Total	05

01. Vocalist Umara Sinhawansa was summoned before the committee appointed to investigate the allegation that she had distorted the singing of the national anthem.

This committee was appointed by the Secretary of the Ministry of Public Administration on the order of the Prime Minister to investigate the singing of the National Anthem at the opening ceremony of the Lanka Premier League cricket tournament

held on July 30. The singer was called before the committee on August 3. As it was later announced, the committee led by the Ministry's Additional Secretary (Investigation) Dhammika Muthugala concluded that the National Anthem had been distorted at that event. The relevant report has been forwarded to the Attorney General to take legal action.

Source: [youtube.com](https://www.youtube.com), sinhala.asianmirror.lk

02. Two persons identified as intelligence officers have questioned the mother of journalist Tharindu Uduwaragedara.

Tharindu Uduwaragedara, was arrested by the police on July 28 while reporting on a protest. While he was in hospital on the night of July 29, two persons claiming intelligence officials went to his house in Bandarawela and questioned his mother, Mrs. Dhammika Jayasinghe. The journalist's wife informed the Human Rights Commission of Sri Lanka about this.

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

03. Police influenced a teacher who published a social media post regarding an injustice she faced at a hospital.

Nimesha Madhuwanti, a teacher residing in Delkada, Millaniya, has posted on social media regarding an alleged injustice that happened at Nagoda Hospital. Kalutara South Police Station officers came to her house on a complaint made by the hospital authorities and pressured her to withdraw the related post. Later the police called her to the station and a statement was recorded. After the incident was revealed in the media, the Leader of the Opposition questioned the matter in Parliament.

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

04. Three journalists in Batticaloa were threatened and detained by an organized group while reporting

On August 22nd, secretary of the Batticaloa District Tamil Journalists' Association S. Nilanthan and journalist Kristiraj Krishnakumar and a group of Christian priests and civil activists who were with them faced this threat. A team led by a Buddhist monk detained them for almost 5 hours and forcibly deleted the footage they filmed. The 'Committee to Protect Journalists' (CPJ) in a statement emphasized that the government of Sri Lanka should investigate the incident and ensure the safety of the concerned journalists.

Source: sinhala.srilankabrief.org

05. Not granting permission for the journalists to cover the meeting of the Trincomalee district coordinating committee.

Although the journalists have the opportunity to report the other district coordination meetings in the Northern and Eastern provinces, the journalists claim that they have lost that opportunity to cover a similar meeting in the Trincomalee district. They point out that only the camera units of the governor and another MP have been given that opportunity. They claimed it is a violation of the professional rights of journalists as well as the public's right to information.

Source: MFRM Desk

Legal Conditions

Eight incidents under the component of legal conditions related to press freedom were observed during August. They include judicial actions against freedom of speech and developments in previous cases. The decision of the Supreme Court that nine articles of the 'Bill on contempt of court, the judicial authority or institution', which was a challenge to the freedom of expression and the freedom of the media, was not in accordance with the constitution, was observed as a positive event regarding the freedom of the press.

Table 3: August 2023: Legal conditions - 08 incidents

Indicator	Number of reported incidents
Legal actions	05
Legal reforms	02
Immunity for crimes against journalists	01
Total	08

01. Court of Appeal ordered the Inspector General of Police to show cause for the failure to prevent the attack on the Galle Face protest site.

The Court of Appeal ordered Inspector General of Police Mr. C.D. Wickramaratne to show cause for the failure to prevent the attack on the Galle Face protest site on 9th May 2022.

This order was issued when a petition filed by protest activist Janak S. Vitharana was called before a panel of Appellate Court judges comprised of the President of the Court of Appeal, Justice Nissanka Bandula Karunaratne, and Justice A. Marikkar.

Source: sinhala.lankanewsweb.net

02. Jaffna Press Club commemorates slain journalist Sahadevan Nilakshan.

A memorial was held for Sahadevan Nilakshan, a young journalist who was shot dead in Jaffna 16 years ago. The event was held at the Jaffna Press Club on August 1. Nilakshan was a student studying journalism at Jaffna University and an editor of a youth magazine. He was twenty-two years old when he was murdered and the law has not yet been implemented against the criminals involved in that murder.

Source: theleader.lk

03. Police attacked a students' protest in Colombo with water canons and arrested 22 students.

Police attacked with water canons a students' protest of the Inter-University Students' Federation and arrested 22 students near the Viharamahadevi Park in Colombo on August 10. Parallel to that, a student protest was held in Kirulapone and it was also dispersed using water canons. After the arrested students were presented to the Aluthkade Magistrate's Court the next day, they were released on Rs. 25,000 each personal security.

Source: www.lankaskynews.com

04. Fundamental Rights petitions against the draft bill on contempt of court examined.

On August 3rd, the Supreme Court started hearing six petitions filed against the 'Bill on Contempt of Court, Judicial Authority or an Institution' tabled in the Parliament. The petitioners claim that the provisions of the Act seriously challenge the right of citizens' freedom of expression.

Dr. Visakesa Chandrasekram, Advocates Basil Fernando, Kingsley Karunaratne, Sanjay Dasanayake, Nandun Nagahawatta, and Nagananda Kodithuwakku submitted these petitions, while the Bar Association of Sri Lanka and journalist Tharindu Jayawardena appeared as intervening petitioners. The petitions were heard before the three-member Supreme Court bench of judges comprising justices Murdu Fernando, Shiran Gunaratne, and Achala Vengappuli.

Sources: MFRM Desk, adaderana.lk

05. The Court of Appeal decided to hear the petition of journalist Tharindu Jayawardena.

This appeal has been filed against the rejection of an appeal to the High Court to nullify an order given by the Colombo Fort Magistrate to the Criminal Investigation Department to conduct an investigation. The investigation is to ascertain whether an opinion expressed in a press conference amounted to contempt of court. The Court of Appeal decided to hear the petition and ordered on August 29 to issue notices to the respondents including the Attorney General and Criminal Investigation Department.

Source: thetime.lk

06. Police warned for not producing the other suspects in the case against journalist Tharindu Uduwaragedara

The case related to the arrest of journalist Tharindu Uduwaragedara, who was engaged in reporting on a protest, was called before the No. 2 Magistrate's Court, Colombo on August 29. Although the police reported that there were other suspects related to the incident, they were not produced. The magistrate cautioned the police for failing to produce those suspects although a month had passed. The magistrate also stated that there is no point in maintaining a case without a reason. The case will be called again on October 24. The police were severely criticized by many parties for arresting, assaulting, and delaying the referral for treatment of journalist Uduwaragedara. The Human Rights Commission of Sri Lanka has also started an investigation.

Source: MFRM Desk

07. The Speaker informed the Parliament of the decision of the Supreme Court regarding the ‘Bill on Contempt of Court, Judicial Authority or Institution’.

The Supreme Court considered six petitions against the relevant bill and concluded that nine of its articles were against the Constitution. On August 22, the Speaker presented the ruling by the Supreme Court to the parliament. The Supreme Court has informed that the relevant clauses can only be passed by a two-thirds majority in the Parliament and by a referendum.

Source: newsradio.lk

08. Journalist Tharindu Jayawardena requested the Information Commission to take legal action regarding police disregarding an order of the Commission.

The Information Commission, which considered an appeal by journalist Tharindu Jayawardena regarding the failure to provide the requested information by the Information Officer of the Police Department and the failure to respond to the appeal made to the Designated Officer, ordered the Inspector General of Police to provide the relevant information before August 22. Since the police failed to do so, the journalist requested the Information Commission to take legal action under Section 39 of the Information Act.

Source: thetime.lk

Structural conditions

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

Table 4: August 2023: Structural Conditions - 02 incidents

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

01. The Committee for Protecting Journalists (CPJ) protested the arrest of journalist Tharindu Uduwaragedara and assaulting him.

The Committee for Protecting Journalists (CPJ) protested the arrest, assault and not providing medical treatment to journalist Tharindu Uduwaragedara while reporting on a protest. CPJ urged the government to release him unconditionally and to investigate the incident of assault. The statement issued by the organization also states that it should be ensured that journalists can cover the protests without fear of retaliation.

Source: cpj.org

02. A dialogue was held at the Sri Lanka Foundation regarding the draft bill on the Electronic Broadcast Regulatory Commission.

Professor Rohan Samarajeeva, Dr. Pakyasothy Saravanamuthu, Professor Charitha Herath, Chief Executive Officer of the Sri Lanka Press Institute Kumar Lopez, Chairman of the Sri Lanka Broadcasters’ Forum Asanga Jayasuriya, Operations Director of the Media Law Forum Prabodha Rathnayake and Advocate Manushika Cooray delivered the keynote addresses. This was organized by the Free Media Movement and the Sri Lanka Press Association and held on August 8th with the participation of the multiple parties who have commented about the bill so far.

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

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

Covered component	2023 January - July		2023 August
	New incidents	Developments of the previous incidents	
Safety and Security	27	-	05
Legal conditions	49	16	08
Independence of media	-	-	-
Professionalism	05	-	-
Structural conditions	22	-	02
Total	103	16	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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