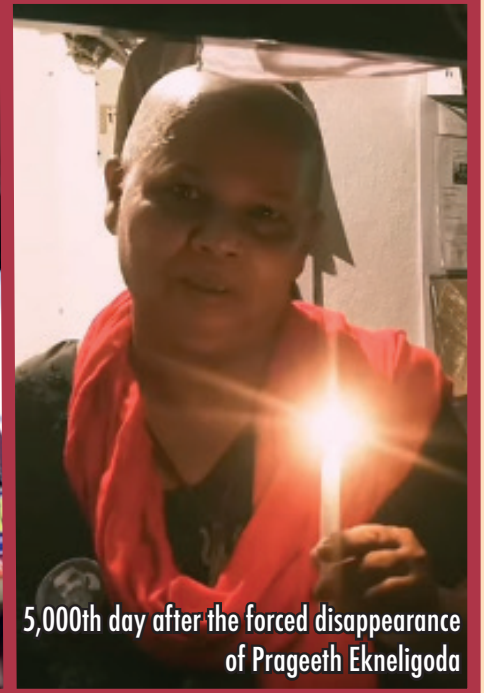


**2023** September

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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 September 2023, FMM observed 18 incidents relevant to the scope/ criteria selected by FMM to monitor press freedom. They included two incidents related to safety and security, 13 incidents related to the component of legal conditions, and two events related to the component of structural conditions.

### Incidents monitored:

1. A 19-year-old youth was arrested in Eppawala for publishing a post threatening the President.
2. A commemoration was held to mark the 5,000th day after the forced disappearance of journalist Prageeth Ekneligoda.
3. The cabinet approved the new Anti-Terror Bill and published it in a gazette.
4. Cabinet approved the Online Safety Bill.
5. Well-known astrologer Indika Thotawatta was arrested for making a statement that interfered with religious reconciliation.
6. The Attorney General informed the court that Sri Lanka Air Force authorities have decided to withdraw the letter issued blacklisting a retired Air Force officer due to his comments in a public meeting.
7. A case regarding disrupting a press conference was settled after paying compensation.
8. The Bar Association of Sri Lanka urges the government to immediately withdraw the Anti-Terrorism and Online Safety Bills.
9. Acquittal of Ramzy Razeek, who was accused under

- the ICCPR Act for posting comments on social media.
10. Settlement of a case filed by Channa Jayasumana against a news published by a website.
  11. A mob attacked a vehicle parade commemorating 'Thileepan'
  12. Two courts ban commemorating 'Thileepan' in Colombo.
  13. Jaffna magistrate court rejects two requests from police to ban commemorating 'Thileepan'.
  14. Court bans several programmes in Trincomalee for commemorating 'Thileepan'.
  15. The court rejected the request of the police to prohibit the 'Thileepan memorial procession' from Pottuvil to Jaffna from passing through Vavuniya city.
  16. Minister of Justice seeks Rs. 500 million for the damage caused by news published on a website.
  17. Asian Internet Coalition expresses concern regarding the Online Safety Bill.
  18. An online dialogue was held regarding the Online Safety Bill which is gazetted.

**Table 1: Total number of incidents reported - September 2023**

<b>Covered component</b>	<b>Number of reported incidents</b>
Safety and Security	02
Legal conditions	13
Structural conditions	03
<b>Total</b>	<b>18</b>

## 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 cases of violation of these basic freedoms were observed in September. Out of which two events have been included here, most of the events are related to legal actions and are given under the component 'Legal Conditions'.

**Table 2: September 2023: Safety and security of journalists - 02 incidents**

<b>Covered criterion</b>	<b>Number of reported incidents</b>
Obstructions/ Restricting freedom	01
Psychological and other influences	01
<b>Total</b>	<b>02</b>

### 01. A mob attacked a vehicle parade commemorating 'Thileepan'

The attack took place on September 17 near Sardhapura junction in Trincomalee targeting a vehicle parade traveling from Pothuvil to Jaffna to commemorate Thileepan who died on hunger strike in Jaffna 36 years ago. Selvaraja Kajendran,

MP, who was in the parade, was attacked. Journalists who reported the incident claimed that the police did not prevent the attack. Later, six people involved in the attack were arrested and produced before the Trincomalee Magistrate's Court.

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

**02. Minister of Justice seeks Rs. 500 million for the damage caused by news published on a website.**

Minister Wijayadasa Rajapaksa sent a letter of request through his lawyers against Keerthi Ratnayake, the editor of the nationalalert.lk

website, for publishing defamatory news through the National Alert social media seeking damage of Rs. 500 million for the damage to its reputation due to the publication of that news.

Source: [theleader.lk](http://theleader.lk)

## Legal Conditions

Thirteen incidents under the component of legal conditions related to press freedom were observed during September. They include judicial actions against freedom of speech and developments in previous cases. Two new bills were published in the Gazette amidst social backlash. Courts in diverse areas responded to requests regarding a commemoration. Ramzy Razeek was acquitted of the case which is considered an example of the misuse of the ICCPR Act. It is a positive development regarding freedom of expression.

Table 3: September 2023: Legal conditions - 13 incidents

Indicator	Number of reported incidents
Legal actions	10
Legal reforms	02
Immunity for crimes against journalists	01
<b>Total</b>	<b>13</b>

**01. A 19-year-old youth was arrested in Eppawala for publishing a post threatening the President.**

The post stated that 'a sniper weapon is needed to shoot the country's biggest thief, who is coming to a festival in Eppawala area'. Considering it as a threat to the President, the Criminal Investigation Department arrested the suspect named Udith Madhubhashana at the Eppawala Police Station on September 3. After questioning, he was brought to Colombo for further investigation. He was remanded until the 8th after being produced before the Colombo Magistrate's Court.

Source: [theleader.lk](http://theleader.lk)

justice for her husband, organized this memorial at her home in Pannipitiya. Investigations revealed that the disappearance of journalist Ekneligoda was carried out by military intelligence and this incident is strong evidence of impunity in Sri Lanka for crimes against journalists.

Source: [youtube.com](http://youtube.com)

**02. A commemoration was held to mark the 5,000th day after the forced disappearance of journalist Prageeth Ekneligoda.**

An exhibition was held for four days since October 4th including the cartoons and memories of the struggle seeking justice for journalist Prageeth Ekneligoda, who was forcibly made disappeared in 2010. Sandhya Ekneligoda, the disappeared journalist's wife, who has been fighting to get

**03. The cabinet approved the new Anti-Terror Bill and published it in the gazette.**

The bill presented by the Minister of Justice was approved by the Cabinet on September 4th and published in the Gazette on September 15th. Earlier, the Anti-Terror Bill presented in March of this year was withdrawn due to objections that it violated fundamental rights including freedom of expression. The new bill has been brought after amending certain parts of it.

Sources: [sinhala.adaderana.lk](http://sinhala.adaderana.lk), [bbc.com](http://bbc.com)

**04. Cabinet approved the Online Safety Bill.**

The draft was submitted to the Cabinet on

September 4 by the Minister of Public Security and was published in the Gazette on September 18. The Cabinet Office announced that the purpose of this is to protect the general society from the harm caused by the spread of fake news and disinformation through the Internet. It has been heavily criticized by human rights defenders as a law that suppresses freedom of expression.

Source: [bbc.com](http://bbc.com)

**05. Well-known astrologer Indika Thotawatta was arrested for making a statement that interfered with religious reconciliation.**

Based on complaints received against Indika Thotawatta regarding a video posted on social media, he was summoned to the Criminal Investigation Department on September 06. After recording a statement, he was arrested and produced before the Maligakanda Magistrate's Court. He was remanded until October 10th. The Police Media Spokesman stated that 12 complaints were received saying that Prophet Mohammed had been insulted by the relevant video. The facts against the accused were reported to the court for violating the sections of the Computer Crime Act, Police Ordinance, and the Penal Code.

Sources: [facebook.com](http://facebook.com), [facebook.com](http://facebook.com)

**06. The Attorney General informed the court that Sri Lanka Air Force authorities had decided to withdraw the letter issued blacklisting a retired Air Force officer due to his comments in a public meeting.**

The fundamental rights petition filed by retired Air Vice Marshal Sampath Sanjeeva Thuyiakontha before the Supreme Court against the Air Force Chief's decision to blacklist him without just cause was called on September 7. The Attorney General informed the court that the Air Force authorities had decided to revert the blacklisting. The Air Force Commander, Senior Administrative Officer of the Sri Lanka Air Force, State Minister of Défense Pramita Bandara Thennakoon, and the Attorney General were named as respondents in the petition. The petition was heard before the bench of Supreme Court Judges Yasantha Kodagoda and Arjuna Obeysekera. It was scheduled to be called again on October 6.

Source: [island.lk](http://island.lk)

**07. A case regarding disrupting a press conference was settled after paying compensation.**

This case was filed before the Colombo Fort Magistrate's Court against three Buddhist monks including Bodu Bala Sena Secretary General Galagodaatte Gnanasara Thero under several charges including criminal coercion and illegal invasion of a press conference organized by Watareka Wijitha Thero and a group of Muslim Maulavis at a private hotel in Colombo, nine years ago. When the case was called on September 11th, the defendants pleaded guilty and agreed to pay compensation to the aggrieved party, including Wataraka Vijitha Thero. They were awarded Rs. 300,000 as compensation. The defendants were cautioned on several charges.

Source: [theleader.lk](http://theleader.lk)

**08. Acquittal of Ramzy Razeek, who was accused under the ICCPR Act for posting comments on social media.**

Ramzy Razeek was arrested by the Criminal Investigation Department in April 2020 due to a comment he made on social media. He had to remain in remand prison for five months under No. 56 of the 2007 International Covenant on Civil and Political Rights (ICCPR). The Hlftsdorp Magistrate's Court ordered the release of the accused on September 21 as there was no evidence against him.

Source: [bbc.com](http://bbc.com)

**09. Settlement of a case filed by Channa Jayasumana against a news published by a website.**

The case was filed before the Nugegoda District Court for defamation caused by false news published on a website in 2021 that the Member of Parliament had bought a Range Rover-type car for his wife. The concerned website apologized to the MP in open court and the case was settled.

Source: [facebook.com](http://facebook.com)

**10. Two courts ban commemorating 'Thileepan' in Colombo.**

These orders were issued on September 19 by the Colombo Fort Magistrate's Court and the Maligakanda Magistrate's Court, banning the



'Thileepan Commemorations' in several police jurisdictions in Colombo. As per requests made by the Colombo Fort Police, relevant orders were issued against all persons expected to participate in the events, including the Christian Solidarity Movement (CSM) and Fr. Marimuttu Satyavel.

Source: [island.lk](http://island.lk)

**11. Jaffna magistrate court rejects two requests from police to ban commemorating 'Thileepan'**

On September 20, the Jaffna Magistrate's Court rejected a request by the Jaffna Police to ban a Thileepan commemoration scheduled to be held in Nallur, Jaffna on September 26. On the 22nd of September, the police again requested a restraining order and that request was also rejected on the 26th. The Magistrate said that it is unnecessary to impose banning orders as it interferes with individual rights and freedom, and if any violence or crime occurs, action could be taken against the culprits by police accordingly.

Sources: [tamilguardian.com](http://tamilguardian.com), [twitter.com](https://twitter.com)

**12. Court bans several programmes in Trincomalee for commemorating 'Thileepan'.**

On September 26, the Trincomalee Magistrate's Court issued this order prohibiting the holding of celebrations, parades, or protests in Kulakottan Hall and Gandhi Roundabout in Trincomalee Port Police Division and Trincomalee Police Division. According to a request made by the police, an order was issued against the President of Trincomalee District Tamil People's Association R.F. Jerome, and others.

Source: [island.lk](http://island.lk)

**13. The court rejected the request of the police to prohibit the 'Thileepan memorial procession' from Pottuvil to Jaffna from passing through Vavuniya city.**

The police sought the injunction on September 19 based on complaints by two persons that the memorial was 'interfering of communal harmony'. Stating that everyone has the right to commemorate, the magistrate ordered the police to take necessary security measures to prevent the recurrence of an incident like the one that happened in Trincomalee on the 17th.

Source: [tamilguardian.com](http://tamilguardian.com)

## 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: September 2023: Structural Conditions - 03 incidents**

Indicator	Number of reported incidents
Active support for media freedom by monitoring groups	03
<b>Total</b>	<b>03</b>

**01. The Bar Association of Sri Lanka (BASL) urges the government to immediately withdraw the Anti-Terrorism and Online Safety Bills.**

The BASL decided in a meeting held on September

23 that the two relevant bills published by the government through the gazette are highly harmful to human freedom, democracy, and the rule of law and urged the government to withdraw those drafts. BASL pointed out that those bills had been

drafted without any consultation of the parties related to the field including themselves.

Source: [basl.lk](http://basl.lk)

**02. Asian Internet Coalition expresses concern regarding the Online Safety Bill.**

Asia Internet Coalition said in a statement on September 28 that this bill presented by the government, without consulting any partner, leads to a cruel system that suppresses dissent and the freedom of expression of Sri Lankans.

The organization is a collective of leading Internet service providers in the Asia Pacific region including Apple, Amazon, Google, X, Meta, and LinkedIn.

Source: [newsfirst.lk](http://newsfirst.lk)

**03. An online dialogue was held regarding the Online Safety Bill which is gazetted.**

This dialogue was organized by 'Hashtag Generation' on September 26, to discuss the content of the Act and its impact on freedom of expression. President's Counsel Saliya Peiris, Head of Advocacy of Hashtag Generation Sarita Irugalbandara, and President of Young Journalists' Association Tharindu Jayawardena expressed their views while Harshana Thushara Silva moderated the dialogue.

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

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

Covered component	2023 January - August		2023 September
	New incidents	Developments of the previous incidents	
Safety and Security	32	-	02
Legal conditions	53	20	13
Independence of media	-	-	-
Professionalism	05	-	-
Structural conditions	24	-	03
<b>Total</b>	<b>103</b>	<b>16</b>	<b>15</b>

[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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