



Situation Report: Sri Lanka Media Freedom a Neglected Dimension of Post-War Politics

Consultations carried out by the IFJ and its partners in recent months, suggest that media freedom is a neglected dimension in Sri Lanka's post-war politics. Within the wider landscape of diminishing hopes, marked by the fading of early optimism of a peace dividend accruing from the end of Sri Lanka's civil war in May 2009, the country's media practitioners continue to face formidable difficulties. Overt measures of coercion are less conspicuous than during the war years. But there are fears that free speech is falling victim in a media environment in which political and financial power is deployed to silence dissent.

The restive new mood is represented among other things, in the recent teachers' strike which led to a three month long shutdown of the country's universities. The stated reasons for the strike were a perceived decline in pay and working conditions in the teaching community, though the larger reason was the continuing damage inflicted on Sri Lanka's once highly regarded education system. As the strike entered its third month, official spokespersons using their monopoly over the state-owned media, denounced it as an effort to topple a democratically elected political regime and reverse the gains of the decisive victory achieved in a quarter-century long civil war. Specific individuals were named among the leadership of the Federation of University Teachers' Associations (FUTA) – all of them highly regarded academics – as bearing responsibility for this conspiratorial plan.

The FUTA agitation drew wide public support. And this has not by any means, been the stirring of discontent beneath the placid surface of post-war Sri Lankan society. Workers at the public sector Ceylon Electricity Board have shown signs of restiveness in recent weeks over stagnant pay. Industrial action within the sector has led to power cuts in parts of the country. Observers believe that the government of President Mahinda Rajapaksa is investing too heavily in large-scale infrastructure such as ports and expressways, stretching the economic and financial capacities of the country beyond tolerable limits. Human rights lawyers and civil society campaign groups believe that pension funds which are mandated to function under the central bank and keep their investments long-term and safe, are now being induced by subtle government pressure to buy up shares in crucial public institutions, such as banks. The growing concentration of power in the hands of the government is enhanced by an accretion of economic power. Placements of advertisements by the government are being used with specific intent to control editorial agendas. As a final enforcer of the ruling party's will, money power could also be deployed to directly take over media outlets.

The media terrain itself remains contested, with the few platforms that are willing to offer a fair voice to the Tamil community often being accused with little subtlety of being terrorist sympathisers or "treasonous" in intent. Within the media, the failure to take a leap across a crucial divide and achieve a state of genuine diversity is best represented by government control which remains significant, both in terms of ownership and advertising spending, as also content decisions.

Media freedom as essential component of national reconciliation

In July 2012 the Government of Sri Lanka (GSL) announced a "National Action Plan" (NAP) to give effect to the recommendations of a commission on national reconciliation. The Lessons Learnt and Reconciliation Commission (LLRC) as it was called, was appointed with a presidential mandate a whole year after the war's end. Despite early scepticism about its terms of reference, the hearings of the commission did manage to unearth some important – if partial details – about civilian suffering in the north of the country in the last years of the war. In a report running to over 400 pages, submitted in November 2011, the LLRC had no more than two pages



that were of direct relevance to the media. But the few recommendations that it did make in this respect, were deeply consequential.

The commission had recommended steps to prevent attacks on media personnel and institutions, the investigation of such events from the past and deterrent punishment where appropriate. It also urged the restoration of full rights to free movement for media personnel and the enactment of a right to information (RTI) law. The observations of the LLRC that have a bearing on media freedom, deserve to be quoted at some length:

Freedom of expression and right to information, which are universally regarded as basic human rights, play a pivotal role in any reconciliation process. It is therefore essential that media freedom be enhanced in keeping with democratic principles and relevant fundamental rights obligations, since any restrictions placed on media freedom would only contribute to an environment of distrust and fear within and among ethnic groups.

This would only prevent a constructive exchange of information and opinion placing severe constraints on the ongoing reconciliation process.

The Commission strongly recommends that:

a. All steps should be taken to prevent harassment and attacks on media personnel and institutions.

b. Action must be taken to impose deterrent punishment on such offences, and also priority should be given to the investigation, prosecution and disposal of such cases to build up public confidence in the criminal justice system.

c. Past incidents of such illegal action should be properly investigated. The Commission observes with concern that a number of journalists and media institutions have been attacked in the recent past. Such offences erode the public confidence in the system of justice. Therefore, the Commission recommends that steps should be taken to expeditiously conclude investigations so that offenders are brought to book without delay.

d. The Government should ensure the freedom of movement of media personnel in the North and East, as it would help in the exchange of information contributing to the process of reconciliation.

e. Legislation be enacted to ensure the right to information.

The IFJ and its partners are concerned that despite these very clear action points, the NAP does not set down any time-line for the passage of an RTI law and probably glosses over the need to dispel the climate of impunity for attacks on the media. A regime of transparency and the assurance of free movement for media persons, also seem a remote prospect.

There is at this time a degree of confusion over the nature of the relationship between the NAP and an earlier action plan announced in December 2011, titled the National Action Plan for the Protection and Promotion of Human Rights (referred to commonly as NHRAP). The latter programme of action was evolved by the GSL as part of voluntary commitments made at the Universal Periodic Review (UPR) of Sri Lanka at the U.N. Human Rights Council (UNHRC) in May 2008. Key commitments under the NHRAP that have a direct bearing on media freedom, include the enactment of an RTI law within a year, a review of the Official Secrets Act within six months, and comprehensive legislation on internet access within a month. None of these commitments has been met. If anything, there has been a contrary trend as this report records in a later section, with the introduction of an arbitrary rule for registration of news websites, establishing a *de facto* norm of restraining the freedom of expression without a clear legal or constitutional mandate.

Similarly, in relation to the right to information, the last demonstration of intent by the GSL, has been contrary. In June 2011, the ruling alliance organised its formidable numbers in parliament



to vote down a freedom of information bill introduced by the deputy leader of the opposition as a private member's initiative. Despite the NHRAP and the NAP being announced since, there has been no explicit assurance from the highest level of the Sri Lankan political leadership, that they intend to reverse course in the practical realm.

Free movement far from assured

Towards the end of September 2012, the GSL declared the closure of the Menik Farm camp for internationally displaced persons (IDPs) in Vavuniya district in the north of the country. Vavuniya is one of four districts in the Vanni region, which bear the worst scars of the war's last phase. In the months after the end of the war, Menik Farm had 300,000 inmates, vulnerable to the elements, deprived of basic amenities and unsure about life beyond the perimeter of the camp. From the early part of 2010, the GSL began allowing IDPs housed in the camps that were beginning to earn worldwide notoriety as internment centres, to return home. This was heralded in official statements as the beginning of a rapid process of normalisation in a country ravaged by years of ethnic hatred and killing. But more sensitive elements within the Sri Lankan media found on tracking those who were seeking to rebuild their lives, that they had little to return to. They lacked the resources to begin life afresh after the devastation inflicted in the last phases of the war and they had no clear idea of the lands they had tenure over, when intensive military colonisation in the north and the east had been adopted as a part of the national security strategy.

By September 2012, fewer than 1,200 remained in Menik Farm. Though officially portrayed as an important milestone, in the prevalent mood of scepticism, the closure of the camp was seen as a cosmetic makeover in preparation for the Universal Periodic Review to be undertaken in the U.N. Human Rights Council session, beginning end-October. Beyond the propaganda mileage gained in the rapid downsizing of the IDP camp from its maximum expanse in the post-war months, there were questions posed about the quality of life assurances that the GSL was extending to the resettled population.

Soon after the GSL announced its intent to close down Menik Farm, a news team from the English language daily *Ceylon Today* travelled to Vavuniya district to record the last days of post-war resettlement. The team had much to say about the state of uncertainty that Menik Farm went back to, even when they were able to run the gauntlet of the heavy military presence and find their last place of settlement. It also found that in post-war Sri Lanka, "unearthing information in the interest of Sri Lanka's war-displaced can prove daunting". The obstacles that the news team faced as it went about the job of documenting the closure of Menik Farm, are narrated in first person in the following terms:

What is going on in a little-known place named Seeniyamottai in the Mullativu District is a well-guarded secret, with different agencies offering different interpretations. Often, the answer is to declare that they are not authorized to speak to journalists, unless papers are processed through the one powerful agency, Ministry of Defence, permitting officials to speak.

There was no expectation of a cordial welcome on our part, but it was made very clear that the new resettlement initiative was to be a hush-hush operation, at least for the time being. We were rudely told that there was nothing for anyone to see inside a welfare camp and we should not be 'overly curious.' Facilitated largely by the military, it bore all signs of a camp that is still being set up.

“Go elsewhere. Visit Prabhakaran’s swimming pool¹. There is nothing for you here,” a junior officer on duty told us. The style of operation, the refusal to share any information, was in contrast to the government’s lofty claims of transparency and accountability in the resettlement process, and to the many assurances offered to us in Colombo that ‘there are no IDPs now. Feel free to visit any place.’

The journey and the information blockade in Seeniyamottai demonstrated that though it is now post-war, resettlement, like many other issues connected to the concluded war, still remained taboo a topic. So, Seeniyamottai saga was not up for discussion. There was no surprise when we were denied entry into the new ‘welfare’ village. If the relocated are to be believed, there is very little welfare within the site, with no water, electricity or even cooked food being available. Wednesday’s rain caused the IDPs to get drenched in their new-found home, with tents being scarce.²

Similar experiences were narrated by a reporter for the news portal Lankastandard from an expedition into the Vanni to determine the how true the official narrative on resettlement was:

Suriyapuram camp which is situated in close proximity to the Security Forces Head Quarters in Mullaitivu is guarded by a group of army personnel and the media is not allowed to visit the IDPs, in fear of the facts being reported... When The Lankastandard visited Suriyapuram camp in Nandikadal on Wednesday September 26, 2012 to report on the efficacy of the ‘re-settlement’ programme of the IDPs and the progress thereof, the army stops us in our tracks. The military personnel at the check point told us we could not proceed unless we had either the permission of the District Secretary Mullaitivu or the Civil Affairs Officers of the Security Forces Headquarters Mullaitivu... My photographer and I who were in Mullaitivu on Wednesday and Thursday were stopped from entering the Suriyapuram camp in Nandikadal by the army officers on guard. This was the camp where the last batch of IDPs from the Manik Farm was brought to although the government claimed they were re-settled in their villages... Not only did they stop us from entering the Suriyapuram camp, they threatened us not to write anything detrimental to them... One of the army officers inside the makeshift camp shouted at me to leave the area immediately and warned me not to write anything against the camp and the IDP grievances but to ‘mind my own business’.³

Clearly, there is abundant basis to believe that even with the best of intentions to report on the state of post-war rehabilitation, the media would face active impediments from the security forces and other state agencies.⁴ This is one important respect in which actions by the Rajapaksa regime fall short of LLRC recommendations. In the matter of attacks on journalists, the LLRC had voiced its outrage at a near lethal attack on G. Kuhanathan, news editor of the Tamil daily *Uthayan*, even while its deliberations were on. Kuhanathan, 59, was reportedly left for dead after being attacked with iron rods by two unidentified men while on his way home on

¹ This is a reference to Velupillai Prabhakaran, leader of the Tamil insurgent group that went down in defeat to the Sri Lanka Army in May 2009.

² “Relocated to Nowhere”, *Ceylon Today*, September 29 2012; extracted on October 25, 2012 at: <http://www.ceylontoday.lk/59-13681-news-detail-relocated-to-nowhere.html>.

³ “The Menik Farm Lie: ‘Who Says We Are Resettled?’ asks an IDP”, Lanka Standard, published 30 September 2012; available at: <http://www.lankastandard.com/2012/09/the-menik-farm-lie-who-says-we-are-resettled-asks-an-idp/>.

⁴ A more detailed account, though similar in all essential respects, is available from another news team that went into the northern districts to report on the resettlement process: <http://www.srilankabrief.org/2012/10/restrictions-and-intimidation-on.html>.



the evening on 29 July 2011. He was discovered in a critical condition by passers-by and taken to Jaffna General Hospital where he was put on life-support.

No end to impunity

In elections that had just been concluded the previous week to local town councils in the northern province, the Tamil National Alliance (TNA), which strongly opposes the ruling coalition of President Rajapaksa, won 18 of 23 councils. *Uthayan's* editorial policy in backing the TNA appeared the direct provocation for the near lethal attack on its senior news editor. This was the second attack on an *Uthayan* staffer in Jaffna in the space of a few months. On 28 May, S. Kavitharan, a reporter with the newspaper, was attacked in the city in a similar manner while on his way to work. No investigations were conducted.

Kuhanathan and Kavitharan have since been granted political asylum in Switzerland.

These two were the latest in a long sequence of targeted attacks on the staff and premises of *Uthayan* in Jaffna city and elsewhere. In January 2006, S.S. Sukirtharajan, a reporter for *Sudar Oli*, a newspaper from the same group, was shot dead in Trincomalee in the eastern province, in evident retribution for his role in exposing the execution-style killing of five Tamil students by Sri Lankan armed forces. In May the same year, two employees were killed in an armed attack on the *Uthayan* premises in Jaffna that may have had Kuhanathan as target. Later that month, a delivery van belonging to the newspaper was attacked and its driver killed. Another attack on the *Uthayan* office occurred in August 2006. And in April 2007, S. Rajeevarman, an *Uthayan* reporter in Jaffna, was shot dead after reporting on disappearances in the northern province.

In January 2012, a diplomatic cable from the U.S. ambassador to Sri Lanka at the time came to light, recording a 4 October 2006 conversation with Basil Rajapaksa, brother of the president and his officially designed "senior adviser". Basil Rajapaksa is described as speaking with "surprising candour" and admitting that a Special Task Force comprising elements of the Sri Lankan military and police, may have carried out the execution of the five students in Trincomalee. Basil Rajapaksa's candour in identifying the agency responsible for this atrocity, must be counted as a rare interlude in recent diplomatic history, though he was evidently banking on confidentiality. In the course of the same conversation, Basil Rajapaksa is also recorded telling the U.S. ambassador that two close allies of the President – Douglas Devananda and Vinayagamoorthy Muralitharan (*alias* "Colonel" Karuna) – were posing problems in the northern and eastern provinces, by letting their armed cadre loose on political enforcement missions. The August attack on the *Uthayan* premises, said Basil Rajapaksa, was probably the work of Devananda's political party, carried out in all likelihood with the support of elements from the Sri Lankan Navy.⁵

N. Vithyatharan, editor of *Sudar Oli* at the time of the Trincomalee incident, recalls how Sukirtharajan alerted him to the possibility that the death of the five students was not caused by an accidental detonation of a bomb they were assembling, as the official story went. He had arrived at this finding after making inquiries with staff at the morgue where the bodies were kept. With a specific directive from his editor, Sukirtharajan then used his contacts to enter the morgue at a time when it was thinly guarded, to take the photographs which *Sudar Oli* published the following day, effectively debunking the official narrative. Two days later, as he prepared to go to work, Sukirtharajan was called out of his home by a group that drove up on motorcycles and shot him dead at point blank range.

⁵ The full text of cable from Robert Blake, U.S. ambassador in Sri Lanka at the time and later Assistant Secretary of State for South Asia in the Barack Obama administration, is available at: <http://www.wikileaks-forum.com/index.php?topic=8231.0>.



With Devananda and Karuna still being indispensable allies of the President and key to sustaining the fortunes of the ruling coalition in the north and east provinces, media freedom bodies in Sri Lanka think there is little possibility of any manner of accountability being enforced for these crimes. Since the U.S. ambassador's cable was leaked, a number of media platforms in Sri Lanka publicised its contents. Among all these, Devananda has chosen to file a defamation suit against *Uthayan* alone.

Progress in the investigation of *Sunday Leader* editor Lasantha Wickramatunge's murder in January 2009 and the disappearance of cartoonist Prageeth Eknaligoda in January 2010 has been negligible. Despite occasional statements from investigation agencies that dramatic discoveries were imminent, hearings in both these matters have repeatedly adjourned with the police reporting nothing of consequence.

Meanwhile, efforts by journalists through professional bodies – including IFJ affiliates, the Free Media Movement (FMM) and the Sri Lanka Working Journalists' Association (SLWJA) – to highlight the issue of impunity have been likened by official spokespersons to high treason. In the second week of January this year, the government-owned TV channel launched an attack, bristling with unseemly aggression, against the FMM. While playing footage on its main news programmes of FMM members and activists from past campaigns, the channel ran commentary attacking them in virulent terms. According to a reliable translation provided by IFJ sources in Sri Lanka, the commentary accused these activists of “betraying” the “motherland for gold and titles”. With mock regret that the descendants of individuals who were “killed” during the reign of the kings “live on today”, the commentary promised that those who “do no good to the country, would some day face no good”.

Verbal abuse as the norm

On January 10, the government-owned newspaper accused the FMM of petitioning the European Union (E.U.) to terminate Sri Lanka's bilateral trade preferences. Two former convenors of the FMM and, by subtle implication, the current holder of that post, were accused of seeking to undermine a concession that many industries in Sri Lanka benefit from. The report did not stint in the use of suggestive and extremely hostile rhetoric, describing the individuals named as “anti-national elements” who were sustained on “foreign funds”. The accusations were provably false, since the FMM has never advocated the withdrawal of trade concessions to Sri Lanka.

This particular round of hostile rhetoric may have been provoked by the FMM resolve to observe a “black day” on January 25 to commemorate the major atrocities committed on journalists in that month over preceding years: including the murder of Lasantha Wickramatunge and the disappearance of Prageeth Eknaligoda. Prior to the FMM's planned demonstration, the government secured a court injunction restricting the protests to a narrow area around the Fort Railway Station, a major landmark in the capital city. Gangs of stick-wielding toughs reportedly took over the place where the demonstrations were planned. Placards carried by these gangs explicitly identified the FMM as an ally of the Liberation Tigers of Tamil Eelam (LTTE), the ethnic insurgent group defeated by government forces in 2009 after a civil war marked by gross human rights violations by both sides.

On January 25, the government-controlled newspaper, the *Daily News*, carried an editorial which warned that any effort to “sabotage the progress of the country by disruptive elements (would) be put down”. The editorial identified the FMM as “one of those organisations which have been in the forefront of lambasting the Lankan state on numerous issues”. The FMM, the editorial warned, “has been steeped in controversy and has a lot of soul-searching to do”.

On January 26, *Dinamina*, the Sinhala-language daily from the state-owned Lake House (or Associated Newspapers Ceylon Ltd) group, carried a story which had senior minister, Keheliya



Rambukwella, saying that exiled journalists who had taken up the campaign for human rights and reconciliation were “traitors” bringing the country into “disrepute”. Later, the English-language daily from the Lake House group, the *Daily News*, reported that human rights defenders, including press freedom campaigners identified by name, were betraying Sri Lanka and continuing to work with the terrorist rump of the defeated Tamil insurgent group.

Later, the English-language daily from the Lake House group, the *Daily News*, reported that human rights defenders, including press freedom campaigner Sunanda Deshapriya, were betraying Sri Lanka and continuing to work with the terrorist rump of the defeated Tamil insurgent group, the Liberation Tigers of Tamil Eelam (LTTE).

In an editorial on March 16, *Dinamina* described human rights defenders as “degenerates” and denounced Deshapriya as a “mouthpiece of the LTTE”. It warned that in a country like Iran, “these kinds of bastards would be stoned to death”.

The abuse rose in intensity as the U.N. Human Rights Council (UNHRC) opened its session in March 2012 and began to consider a resolution critical of Sri Lanka’s record. In an editorial on March 16, *Dinamina* described human rights defenders as “degenerates” and denounced particular press freedom campaigners as “mouthpieces of the LTTE”. It warned that in a country like Iran, “these kinds of bastards would be stoned to death”.

Dharmasiri Lankapeli, a veteran leader of the Federation of Media Employees’ Trade Unions (FMETU) -- a body representing in the main, workers at the Lake House and other state-owned groups -- was among the main targets of abuse. The attacks also extended to social scientists and political commentators such as P. Saravanamuttu, Nimalka Fernando and Sunila Abeysekara, and prominent figures of the church who have argued the cause of national reconciliation and accountability for human rights abuses since the end of the civil war.

The government-controlled ITN TV channel has been another easily accessible platform for severe verbal assaults against journalists and human rights defenders. Between January 9 and 24, the channel carried no fewer than five programmes in its daily slot titled “Vimasuma” attacking journalists present during the nineteenth regular session of the UNHRC, for having allegedly “betrayed” the country. Vivid and graphic photo-montages were circulated by various political actors, which depicted journalists and other prominent human rights defenders as terrorists and traitors, working at the behest of alien forces.

On March 23, Mervyn Silva, Minister for Public Relations, addressed a public demonstration against the UNHRC resolution, threatening to “break the limbs” of the exiled journalists if they dared set foot in the country again. Among the journalists mentioned was Poddala Jayantha, who was left with permanent disabilities after suffering brutal assault in Colombo city in June 2009. Silva has been known for several bruising encounters with the media and was in July 2009, reported as publicly claiming credit for the Wickramatunge murder in January 2009 and the assault on Jayantha. Though he later disavowed the statement attributed to him, Silva’s record as a baiter of journalists, has continued to cause deep unease.

On March 22, the state-controlled ITN channel carried a news item claiming that it would soon be exposing a “traitor”, while showing pictures of Gnanasiri Koththigoda, then the president of the Sri Lanka Working Journalists Association (SLWJA), in the background. The anchor-person referred to a number of journalists forced into exile by the climate of intimidation as “media traitors” and suggested that Koththigoda was through his news reporting, aiding the cause of secession espoused by sections of the Sri Lankan Tamil diaspora.

The SLWJA (since renamed the Sri Lanka Journalists’ Association, or SLJA) is an IFJ affiliate of long standing. Poddala Jayantha, who preceded Koththigoda as president of the association has



been living in exile since January 2010 after the brutal assault he suffered six months earlier. On March 23, Koththigoda himself took up the explicit threats he faced in ITN's coverage with Sri Lanka's Media Minister Lakshman Yapa Abeywardene. The minister then reportedly called up ITN's director for news, Sudarman Raddeligoda, and obtained an assurance that the attacks would cease. Yet the attacks have continued, according to reliable IFJ sources in Sri Lanka.

Two media personalities are identified as particularly abusive in their public commentary over state-controlled channels. Hudson Samarasinghe, chairman of the Sri Lanka Broadcasting Corporation, runs a daily radio talk-show where he is known to be relentless in pursuit of supposed enemies of the nation, sparing no epithet in his condemnation. And so too is Mahinda Abeysundara, former editor of *Dinamina*, who now enjoys a regular spot in talk-shows hosted by ITN.

Crackdown on news websites

It is a particularly alarming feature of the current state of the media in Sri Lanka, that the parliamentary opposition, which has the unabridged right under the constitution to call into question this manner of management of the air-waves, has chosen to opt out. Late-September, a meeting of the Parliamentary Committee on the Media Ministry adjourned within half-an-hour without any discussion, since the members were not presented with an agenda and could find no issues to talk about.

The opposition leadership argues that it is under no obligation to stand up for media freedom when it gains little time or space in the media. Ranil Wickramasinghe, leader of the opposition in parliament, recently attracted criticism when he called on the public to boycott all state-owned media. He followed up with an exhortation that the public should boycott all media platforms that are seen to uncritically parrot the line of the regime, singling out one particular media group with broadcasting interests in Sinhala, Tamil and English. He remains unrepentant about this seeming rabble-rousing. The political opposition he claims, is doing all it can to bring about a degree of sanity in governance. But the media for narrow commercial reasons has given it little traction. Indeed, the media has in his portrayal, become a willing tool in the hands of the current regime, indulging its every whim.

The opposition seems to have responded with a strategy that utilises online resources to counter-attack. And news websites hosting content on Sri Lanka have been subject to arbitrary rule changes and frequent obstruction in recent months. In December 2011, the Media Ministry introduced a rule requiring the registration of all websites hosting news content on the country. An FMM petition challenging this notification under fundamental rights clauses, was dismissed by the Supreme Court in May on grounds that the petitioners had no *locus standi* in the matter, since the websites themselves had complied with the registration requirement.

On June 29, Colombo city police raided the offices of two news websites, SriLanka-X-News and SriLanka Mirror, took into custody all the staff present and impounded all their equipment. A team of approximately 25 law enforcement officials arrived at the shared premises of the two websites that morning. All media workers present were detained within the locked premises for three hours and questioned by the police, following which they were taken away to the headquarters of the Crime Investigation Department (CID). Computers and other equipment were confiscated from the premises of the news websites.

Concurrently, the police also raided the residence of Ruwan Fernandez, formerly with the SriLankaMirror and then editor-in-chief of SriLankaXNews. Fernandez is a close political associate of the opposition politician Mangala Samaraweera and his websites are in all but name, associated with Sri Lanka's principal opposition, the United National Party (UNP). Just the day before the raids, Sri Lanka's government had ordered the country's main internet services to cut off access to five Tamil-language news websites: TamilWin, Athirvu, Sarithan, Ponguthamil



and Pathivu. SriLankaMirror was one of five websites blocked by the government in November 2011, following a directive that all websites carrying news and current affairs content on the country should be registered. It was subsequently unblocked on condition that it would not provide links to any unregistered websites.

It was noted at the time that the June 29 crackdown on news websites occurred soon after the government ordered the dissolution of the elected governing councils in three provinces of the country, including the politically sensitive east. The raids on independent media may have been part of a strategy to curb critical commentary during the campaign and run-up to fresh elections in these provinces. A fortnight after the raids, the Media Ministry issued a directive reaffirming a registration requirement for news websites and adding on the additional requirement of an annual fee.

Though these directives have not been subject to judicial scrutiny, Sri Lanka's Supreme Court warned in September, while hearing a fundamental rights petition by the owners of the websites that had been raided, against any misinterpretation of its earlier ruling in the matter of registration. It also ordered all equipment confiscated from the websites' offices returned within two weeks. Website staff taken into custody meanwhile had been released after a day in detention, on the orders of a city magistrate. Samaraweera believes on the evidence of the most recent hearings of the case in the court, that the prosecution is not keen to pursue the case since it could potentially prove embarrassing. Indeed, the Supreme Court had been visibly disdainful of the prosecution case that the warrant for raiding the website offices had been granted on the grounds that they had been guilty of violating the "majesty of the presidential aura" (in Sinhalese, "rajakeeya mahima").

The day that the website offices were raided by police, Shantha Wijesooriya, a journalist working with SriLanka-X-News was in a busy marketplace attending to routine chores, when a group of toughs approached with evident intent to snatch him and bundle him into a waiting van. Wijesooriya managed to evade his intending captors and run to safety. He spent the next two weeks in hiding in numerous places in Colombo city and its suburbs, before securing passage out to the relative safety of a neighbouring South Asian country.

The reasons for the attempted abduction remain obscure. Reports in the Colombo press after the event suggested that Wijesooriya was seen to be a person with inside knowledge of the manner in which the opposition websites were sustained.

Revival of Press Council

The media community in Sri Lanka is also concerned at the revival of the long dormant Sri Lanka Press Councils Act of 1973. This is an act which incorporates several draconian provisions, including the power to prosecute under criminal law for any perceived violation of the laws in force. Since the law was revived two years back, the body has remained fairly dormant and the President's efforts to bring on board a number of journalists have failed because most have declined the invitation. The nomination of Ariyananda Dombagahawatta apparently changed the equation since he was the first journalist with a public profile who signed up with the newly revived Press Council. The Committee on Public Enterprises of Sri Lanka's Parliament recently went into the whole question of the expenses incurred in maintaining the Press Council and suggested that it be shut down. But the administration is unlikely to heed this directive since it needs to keep the body in existence for the punitive power it can exert over the media.

The self-regulatory body set up by the newspaper industry, the Sri Lanka Press Complaints Council (SLPCC), meanwhile has enjoyed a reaffirmation of commitment by its stakeholders, though a withdrawal of donor support in the next two years could imperil its continuing relevance. Despite being under-resourced in relation to the Press Council – it works with three



complaints officers as against the 16 full-time staff that the Press Council employs – the SLPPC is seen to be a more credible body, because it enjoys the confidence of the newspaper industry.

Provincial journalists, whose role would be especially crucial in the post-war context, continue to suffer from unequal wages and working conditions, seriously impairing their motivation and commitment. They find themselves marginalised in terms of information sources and ignored by main governmental agencies, which only feel obliged to talk to the Colombo media. A right to information legislation is particularly important for this category of media professional, who have special reason to insist that this recommendation of the LLRC be implemented with appropriate seriousness.

The tenuous financial state of the Sri Lankan media makes it vulnerable to advertiser pressures. The situation is not helped in any way by the weighty presence of the government and its agencies in the world of ad spending. According to a recent estimate by the Sri Lanka Press Institute (SLPI), government sources account for 16% of total advertising spending in the country. And with the significant ownership that the government has in the media, it absorbs an even larger part – estimated at 38% -- of ad expenditure. To this source of power may be added the influence acquired by the creeping takeover of public institutions such as banks, by the current administration. A number of media institutions have become vulnerable to government diktat for this reason and some of them have had to accommodate pressures for effecting change at the top of the editorial hierarchy.

Chopping and changing editors

In June, Lalith Allahakoon, editor-in-chief of *Ceylon Today* was abruptly relieved of charge by the newspaper management. Four among his colleagues resigned in protest against this seemingly arbitrary decision by the owners. Full editorial control at this point passed to Hana Ibrahim, who was already designated editor, though under the oversight of the editor-in-chief. There was much adverse comment, especially since Ibrahim has a professional profile that includes work with international press freedom bodies.⁶ She had also served in the elected position of FMM convenor for two years.

The *Ceylon Today* editorial team took a while reconstituting its professional capacities. Despite the turbulence, the editorial team today insists that there was no other motive for the changeover than the need for improved oversight of published content. Press freedom bodies in Sri Lanka were reluctant initially to take a stand in this matter but came around within a week, to a mild deprecation of the *Ceylon Today* management decision.

Ceylon Today is owned by Tiran Alles, a businessman with interests in a variety of sectors and a longstanding political profile. Though once associated with the opposition politics of Mangala Samaraweera, and instrumental in propping up the candidacy of the former Sri Lanka Army commander, General Sarath Fonseka, in the presidential contest of January 2010, Alles has since parted ways. Samaraweera who then headed a dissident faction of President Rajapaksa's Sri Lanka Freedom Party (SLFP) has since merged his unit into Wickramasinghe's UNP, to be part of the mainstream opposition. Alles has stayed outside this arrangement and kept faith with Fonseka, in a political formation that is part of the opposition, but regarded by the UNP as a tacit ally of the Rajapaksa regime.

These pressures originating within the interface between media ownership and active politics, have been transmitted into the community of journalists, often causing serious schisms within the ranks. On July 8, *Ceylon Today* ran an editorial titled "When Media Freedom is Abused".

⁶ Hana Ibrahim's contribution to IFJ's 2010 report on South Asia, "Freedom in Solidarity: Media Working for Peace in South Asia" is explicitly acknowledged in the report, available at:

<http://asiapacific.ifj.org/assets/docs/021/100/f7cf615-b115064.pdf>. Other contributions have remained

unacknowledged because that was considered the discrete strategy in the broader context of post-war Sri Lanka.



With Ibrahim now holding editorial authority, the tone and content of this leader was easily and accurately, attributed to her. Referring to the June 29 raids on the offices of two websites associated with the political opposition, the editorial commented:

... lost in the blanket vilification of the government action is a simple, yet disconcerting reality – the misuse and abuse of media freedom by a significant segment of the online media community, to hurt, vilify and defame others under the guise of unfettered journalism. ... (I)f media, online, print or even television, is to be treated with dignity and respect, it also needs to accept that media freedom is not so much a right as a responsibility... that demands that we abide by an ethical code.. a responsibility that demands we ensure news and views published, telecast or broadcast are unbiased and impartial, not distorted, skewed or part of a slander campaign... Unfortunately, this was a responsibility missing in web journalism.... In an environment where space for dissent is becoming increasingly sparse and mainstream media is under constant threat, news websites attained greater significance, holding the promise of going where the mainstream media feared.... In this context, the manner in which the online portals have been abusing media freedom not only betrays the hopes of the masses, but also portend a greater danger, in that they provide the necessary ammunition for the government to carry out its vindictive actions against the press en masse... No regime is happy with absolute online freedom, and many find the issue of striking a balance between freedom of expression and free access to information a grave challenge. But to act irresponsibly in the manner the news websites have done so, is to give legitimate clout for the government to clamp down on online dissent, making it easier for it to further subjugate the media... This is why, it is important for journalists; web based or otherwise to accept the freedom they enjoy as a serious responsibility and practice the kind of journalism that really matters.

Despite Ibrahim's background in working on press freedom issues, this editorial provoked a reaction of outrage from the opposition press. In a letter addressed to CPJ's Asia programme coordinator, Samaraweera accused Ibrahim of "negative, inflammatory and inaccurate reporting". Under Ibrahim's editorial guidance, said Samaraweera, *Ceylon Today* and its associated Sinhala-language newspaper *Mawbima* had "taken a stoic position to defend the Sri Lankan government's illegal action against the websites, in some cases going beyond the call of duty to report, and descending to actually provoking further action and arrests against journalists at the website and its administrators". The two newspapers, he continued, had "failed to publish a single statement issued by foreign governments and the UN expressing concern over the raid, in its print edition".

Independent journalists in Sri Lanka admit in moments of candour, that much of the material that is published on opposition websites would not meet professional standards. Samaraweera though, is convinced that the standards that these websites have set are considerably superior to those of state-owned media. Few would disagree. And this is an ethical conundrum that underlines yet again, the longstanding IFJ insistence that state-owned media in Sri Lanka should be transformed into public service media.

FMM activist Sunil Jeyasekara, who worked as deputy editor of *Irurasa*, the Sinhala language weekly published by the *Sunday Leader*, came to accept the many months of salary denied as a consequence of the financial distress the group was going through. He continued working out of a sense of commitment, but was told in July by the group chairman, that his services were no longer needed. It is not clear if the termination of his services then had anything to do with a number of hostile articles that the *Sunday Leader* published around the same time, about the FMM.



Frederica Jansz, editor of the *Sunday Leader* was forced to resign at the end of September, within months of the newspaper passing into the ownership of a stockmarket investor. Asanga Seneviratne, who now owns a substantial stake in the newspaper, insists that he only came in to retrieve the *Sunday Leader* from a precarious financial situation. Jansz was in this account, instrumental in bringing him in as an investor and was paid a substantial commission as part of the deal. When Seneviratne later decided to switch the editorial management, he paid Jansz an agreed amount as severance pay.

The narrative that has gained ground though, is of Jansz having been forced out because of her history of taking on the ruling dispensation and especially her many bruising encounters with Defence Secretary Gotabhaya Rajapaksa, another brother of the President's. This is a history that goes back to stories run in the *Sunday Leader* under Lasantha Wickramatunge's editorship, alleging serious corruption in the acquisition of defence equipment under Gotabhaya Rajapaksa's watch. Just prior to the January 2010 presidential election, the *Sunday Leader* ran a front-page story putting down the summary execution of LTTE leaders who were surrendering under a white-flag after painstaking negotiations brokered by international actors, to an explicit order from the Defence Secretary. Fonseka was quoted definitively making this pronouncement, though a study of the fine print seemed to indicate that he was actually speaking on the basis of information received from journalists embedded with the army unit in the area. The public revelation of this information in the mood of post-war triumphalism, was a considerable public relations setback for Fonseka's candidacy in the presidential election. Despite President Rajapaksa's comfortable victory in the January 2010 election, the family seemed intent on pursuing a vendetta against the former army commander, placing him under arrest shortly afterwards and putting him on trial in a variety of cases.

In October 2010, Jansz took the stand as a witness for the prosecution in a case brought against Fonseka under the Army Act, for putting out details of what came to be called the "white flags story". There were questions then raised about the ethics of a newspaper editor taking the witness stand against a news source for a story carried in her own newspaper under her byline. Jansz proved eager to prove the case against the former army commander, handing over her notebook from the purported interview at which he made the "white flag" revelations. This led to Fonseka's conviction in November 2011 under the Army Act, for causing disaffection within the ranks and violating principles of the "chain of command".⁷

In July 2012, Jansz called up the Defence Secretary to verify information gathered on the change of duty rosters in a scheduled flight of the Sri Lankan national airline, to accommodate a family intimate of his in bringing home a pet dog from Switzerland. The public interest angle here was the supposed cancellation of twenty passenger bookings on the flight in question, since the pilot assigned to the task of transporting the Defence Secretary's pet was not licensed to fly the large aircraft normally deployed on the route. The change in duty roster had been revoked after senior pilots of the airline registered their protest. Jansz's call to the Defence Secretary quickly descended into bitter acrimony. A few days later, Jansz called up the Defence Secretary again to inform him that the *Sunday Leader* was not carrying the story, though not because the facts were in question. Again, the Defence Secretary erupted in anger and intemperate abuse. The *Sunday Leader* carried the transcript of both conversations prominently on front page the very next week, causing great public outrage.

As this situation report is prepared for publication, the *Sunday Leader* is believed to have acceded to a directive by the Press Council to publish an apology for this story, which brought

⁷ This was one among a number of convictions that the former army commander was given. He was granted a presidential pardon in May 2012 soon after a meeting between the Sri Lankan foreign minister and the U.S. Secretary of State, though the GSL insisted that this was a decision made independently, without external pressure having any role.



the Defence Secretary into disrepute. If true, this would be the first exercise of authority by the Press Council, with serious long term consequences for the Sri Lankan media.

Aware of the inherent dangers, Sri Lanka's media community is seeking to reaffirm its commitment to the self-regulatory body set up by the newspaper industry, the Sri Lanka Press Complaints Council. This is a body that faces a possible existential threat on account of a withdrawal of donor support. However, the current management of the body, which comes under the Sri Lanka Press Institute, is positive about keeping it running, and even renewing its relevance. The plans, which include the transformation of the SLPI into an international training hub with all appropriate certifications, are credible, though they could well come to nothing without the unconditional support of the media industry and broader civil society. The alternative may well be an erosion of media independence and with it, the rapid receding of all realistic prospects of national reconciliation.

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