



Press Freedom and Freedom of Expression in Sri Lanka: Struggle for survival

REPORT

International Press Freedom and
Freedom of Expression Mission to Sri Lanka

January 2007

Organisations associated with the International Press Freedom and
Freedom of Expression Mission include:

ARTICLE XIX
Committee to Protect Journalists (CPJ)
FreeVoice
International Federation of Journalists (IFJ)
International Freedom of Expression Exchange (IFEX)
International Media Support (IMS)
International Press Institute (IPI)
International News Safety Institute (INSI)
Reporters Without Borders (RSF)
South Asia Press Commission (SAPC)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
World Association of Community Radio Broadcasters (AMARC)
World Association of Newspapers (WAN)
World Press Freedom Committee (WPFC)

The findings in this report are based on a joint mission to Sri Lanka in October 2006 undertaken by the International Federation of Journalists, International Media Support, International Press Institute, International News Safety Institute and United Nations Educational, Scientific and Cultural Organization.

Cover photo: Free Media Movement

Acronyms and terminology

AMARC	World Association of Community Radio Broadcasters
ANCL	Associated Newspapers of Ceylon
CPA	Centre for Policy Alternatives
EPDP	Eelam People's Democratic Party
FMM	Free Media Movement
GoSL	Government of Sri Lanka
IDP	Internally Displaced Person
IFJ	International Federation of Journalists
IMS	International Media Support
INSI	International News Safety Institute
IPI	International Press Institute
LTTE	Liberation Tigers of Tamil Eelam
MRTC	Media Resource Training Centre (Jaffna)
PCCSL	Press Complaints Commission of Sri Lanka
RSF	Reporters Without Borders
SAPC	South Asia Press Commission
SLA	Sri Lanka Army
SLBC	Sri Lanka Broadcasting Corporation
SLPI	Sri Lanka Press Institute
SLPI	Sri Lanka Press Institute
TMA	Tamil Media Alliance
UNESCO	United Nations Educational, Scientific and Cultural Organization
WAN	World Association of Newspapers
WPFC	World Press Freedom Committee

This report is being made publicly available in the interests of sharing information and enhancing coordination amongst freedom of expression, press freedom and media support actors. Information presented in this report is based on interviews and written contributions provided to the mission members during October 2006 and should be independently rechecked by any party seeking to use it as a basis for comment or action.

The mission team welcomes all feedback and suggestions from organisations or individuals about the report, which can be sent to the participating organisations (please see contact details at the end of the report).

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Executive summary

In mid-October 2006 a delegation from the International Press Freedom and Freedom of Expression Mission undertook a fact-finding and advocacy mission to Sri Lanka to assess the current media situation in the country and the impact of the escalation in fighting between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) on the media.

While the *International Mission* examined the current situation of the Sinhala, Tamil and English language media, it paid particular attention to the repression of the Tamil language media, which has come under heavy and sustained attack, especially in areas affected by the fighting. This situation has restricted the free flow of information in the North and East hindering public awareness both within these areas, as well as throughout the country. This also leaves local communities vulnerable to rumours and language that excites hostility, which in turn fuels instability and conflict. In the LTTE controlled areas, media practitioners are prevented from reporting freely and as a direct consequence press freedom and freedom of expression are severely restricted.

Findings relating to safety

The *International Mission* found that there has been a serious deterioration in the security situation for the Sri Lankan media with threats, abductions and attacks committed by all parties to the conflict, and particularly paramilitary and militia groups. Nine media practitioners have been killed since August 2005 and there have been numerous death threats and incidents of harassment, including violent attempts to stop the distribution of newspapers. Moreover, even in cases where evidence exists of the identity of the alleged killers, the relevant authorities had apparently taken little or no action. Those supporting a negotiated settlement are often labelled as 'traitors' and supporters of one or the other combatant parties and there appears to be a widespread acceptance of the use of threatening language to intimidate or endanger individuals. As a consequence, many media practitioners are in hiding, some for up to six months, while in other cases threats have been made to the families of media practitioners.

Findings relating to informal censorship

The mission found that censorship exists, although it is applied largely through indirect means. Those refusing to toe the Government's line may be labelled as spies or traitors. The willingness of politicians and others to denounce the media reinforces self-censorship and makes the free expression of opinion a life threatening activity. In August, the President reportedly told editors that the military were keen to censor the media and a letter sent by the Ministry of Defence to media institutions on 20 September 2006, requesting that 'news gathered should be subjected to clarification and confirmation', has been viewed as an attempt to impose censorship, whether or not this was the intention. Furthermore, the provision of official information to media outlets is often conditioned upon the extent to which they support the Government.

The closing down of satellite television services as a result of Government actions has hindered public access to foreign news programmes. The selective banning of films and television dramas, obstruction of films being shown abroad, and interference in certification processes is of serious concern for freedom of expression.

Findings Relating to Media Policy Reforms

Emergency regulations established on 18 August 2005 give the Government wide powers of prior restraint against the media, although these are yet to be applied. The Official Secrets Act (OSA) makes it an offence to disclose 'official secrets', which are loosely defined. In addition, the Press Council Law 1973 (PCL) prohibits the disclosure of cabinet decisions, cabinet documents, certain defence and security matters, as well as a range of fiscal issues.

In June, the Government approved the reintroduction of state-controlled regulation of the media through the Sri Lanka Press Council, although this has not yet been enforced. On 6 December, the Government introduced the 'Emergency (Prevention of Terrorism and Specified Terrorist Activities) Regulations', which have been widely criticised by civil society for their impact on freedom of expression.¹

The Government has yet to enact a freedom of information act, despite having approved a draft version of the law at a cabinet meeting in 2003. The legislative framework for broadcasting in the country fails to ensure independence of both public and private broadcasters. Public broadcasters lack editorial independence and are not required to serve established public service values. Although the Government has been urged to broadbase or otherwise divest itself of ownership in the print media sector, and despite several committee reports reflecting this view, it retains control of the Associated Newspapers of Ceylon (also known as ANCL or 'Lake House').

1 Please see Annex 2 for the 'Statement on the Introduction of the Emergency (Prevention and Prohibition of Terrorism) Regulations 2006', Centre for Policy Alternatives, and the 'Statement on the New Measures', Free Media Movement)

1 Introduction

1.1 The International Press Freedom Mission to Sri Lanka

From 9 to 11 October 2006 a high-level five member delegation representing the International Press Freedom and Freedom of Expression Mission (also referred to as the *International Mission*), which is comprised of international press freedom and media development organisations, undertook a fact-finding and advocacy mission to Sri Lanka.

The five organizations participating on the mission and the authors of this report are (in alphabetical order) the International Federation of Journalists, International Media Support, International Press Institute, International News Safety Institute and United Nations Educational, Scientific and Cultural Organization.

The objectives of the mission were to assess the current media situation in the country and the impact of the escalation in fighting between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) on the media.

During the mission, the international organisations sought to strengthen dialogue and relations with the media community in Sri Lanka, and highlight grave concerns with authorities and combatant parties over the situation for media and freedom of expression in the country. The mission stressed the central importance of press freedom and freedom of expression as fundamental components of democratic society and an essential element for building lasting peace in Sri Lanka.

To achieve these objectives, the mission met with persons and institutions representing a broad spectrum of opinion on the current media and freedom of expression situation, including journalists, editors, media executives, legal experts, Government representatives, members of political parties, the security forces, and the international community.

Broader Composition of the International Mission

The International Press Freedom and Freedom of Expression Mission, in whose name the mission was undertaken, is based on an informal grouping of international organisations, including:

- ARTICLE XIX
- Committee to Protect Journalists (CPJ)
- FreeVoice
- International Federation of Journalists (IFJ)
- International Media Support (IMS)
- International Press Institute (IPI)
- International News Safety Institute (INSI)
- Reporters Without Borders (RSF)
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- World Association of Community Radio Broadcasters (AMARC)
- World Association of Newspapers (WAN)
- World Press Freedom Committee (WPFC)

1.2 Report Structure

This report is divided into three focus areas, each addressing one or more issues relating to freedom of expression and press freedom situation. The report does not seek to provide an exhaustive list of all issues of concern, but rather those relevant to the current security situation as identified during the mission.

The report focuses on the following areas:

- Safety and Impunity
- Censorship
- Media Policy Environment

If you wish to provide any additional information relating to this report or would like any further information about the mission please contact any of the participating organisations (contact details can be found at the end of the document).

1.3 General Background

For two decades the Government of Sri Lanka has been engaged in a conflict with the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers). The LTTE, which was formed in 1976, has advocated the creation of a separate state for the minority Tamil population in the North and East of the country².

The conflict turned violent in 1983 and since then the LTTE has sporadically fought with the Sri Lankan armed forces. During the past two decades this conflict has claimed approximately 70,000 military and civilian lives³, with a further 700,000 reportedly having been displaced both within Sri Lanka and overseas⁴.

In 2001 the Sri Lankan Government and LTTE both announced separate unilateral ceasefires, thereby creating a suitable environment for an agreement to be signed, which came into effect in February 2002. Talks between the Government and LTTE subsequently began in September 2002. However, these stalled in April 2003, although the 2002 ceasefire held despite isolated violations. The election of a more hard-line Government in November 2005, led by President Rajapakse, also further strained peace with the LTTE.

As of April 2006 the situation rapidly deteriorated to a point in which the ceasefire existed in name only. Although in February both the Government and LTTE declared their respect for the 2002 ceasefire at talks in Geneva, by April violence has flared in and around Trincomalee.

With fighting having intensified in the northern Jaffna peninsula, the humanitarian estimates are that 100,000 people have been affected and although civilian casualty figures have not been released, there are reports of numerous casualties.

On 6 December the Government also introduced anti-terrorism regulations providing the security forces with wide-ranging powers to search, arrest and question⁵. Anti-terrorism regulations had previously been in force under the Prevention of Terrorism Act (PTA) prior to the 2002 ceasefire⁶.

- 2 *The ethnic composition in Sri Lanka is 74% Sinhalese, 12% Sri Lankan Tamil, 6% Indian Tamil, 6% Moors, and 1% Burghers, Malays and Veddahs. The religious composition is 69% Buddhists, 15% Hindus, 8% Christians, and 8% Muslims. Sinhala, Tamil and English are all official languages – 'The Handbook of the Media in Asia' (New Delhi, Sage Publications, 2000)*
- 3 *'Sri Lanka – Country Report on Human Rights 2001' (US State Department – Bureau of Democracy, Human Rights and Labor. March 2002)*
- 4 *In particular, many Tamils have fled Sri Lanka to the Tamil Nadu state in southern India, where at present there are a reported 65,000 refugees (Human Rights Watch: World Report - Sri Lanka).*
- 5 *Sri Lanka invokes anti-terrorism law (BBC World Service website, 6 December 2006)*
- 6 *It should be noted that is unclear whether the Prevention of Terrorism Act (PTA) has been reintroduced, and if it has been, what sections are now in force. The new anti-terrorism regulations of December 2006 are not the PTA, although confusion arises from the fact that the President and Prime Minister have mentioned plans for the reintroduction of the PTA. However, there is no material publicly available stating that it is again in force.*

2 Safety and impunity

According to human rights activists with whom the *International Mission* met, 2006 has been the worst year in living memory for the population of the country, with thousands of IDPs and refugees, disappearances, deaths and high profile killings. The *International Mission* found that attacks against media practitioners, especially among the Tamil press, have not abated with nine persons killed in the past year and a half. In this context, death threats and other forms of harassment against the media in general, including the beating and killing of newspaper delivery personnel, have chilling effects through intimidating the Sri Lankan media.

Over the past year and a half the murders of media practitioners have included:

Dharmaratnam Sivaram – 29 April 2005

Dharmaratnam Sivaram's body was discovered near the Sir Lankan parliamentary complex in a high security zone in Colombo. An unidentified gang abducted Sivaram from outside a restaurant the previous day at 10:30pm. The high security zone where Sivaram's body was found is tightly patrolled by Sri Lankan security forces, leading local groups to blame the Government for his murder. Dharmaratnam Sivaram, also known as 'Taraki', was a political columnist with the English language newspaper, *The Daily Mirror* and member of editorial board of tamilnet.com, and was an outspoken critic of the Sri Lankan Government.

Relangi Selvarajah - 12 August 2005

Relangi Selvarajah and her husband were shot dead by unknown gunmen at around 1pm in Bambalapitiya, Colombo. Selvarajah had previously worked as a TV presenter with the Sri Lanka Rupavahini Cooperation (SLRC) and was working as a journalist with Sri Lanka Broadcasting Cooperation (SLBC).

Subramaniam Sugirdharajan - 24 January 2006

Sugirdharajan, a Trincomalee port employee and a journalist, was shot dead as he waited for a bus to go to work in the morning. He had published photographs and news reports critical of the army and paramilitary groups active in Trincomalee in the newspaper *Sudaroli*. His photographs of the 5 students killed in Trincomalee on 2 January helped contest the original reports that they had been killed by grenades.

Suresh Kumar & Ranjith Kumar - 3 May 2006

As media practitioners gathered in Colombo to celebrate World Press Freedom Day, a group of unidentified men attacked the office of the *Uthayan* newspaper in the northern city of Jaffna. Suresh Kumar, the Marketing Manager and Ranjith Kumar, working in the Circulation Department, were killed. Five others were injured and the office damaged. The police took 6 persons into custody, but allowed bail. Some sources in Jaffna have alleged that these persons were not involved in the incident at all.

Lakmal de Silva – 2 July 2006

Freelance journalist, Sampath Lakmal de Silva, was shot dead by an unknown group on 2 July 2006. He was abducted at 5:00am from his parents' home in Borallasgamuwa, South of Colombo. He was found shot dead three

kilometres from his home. His mother said he went out to meet some military operatives, known to him for some time.

Mariathas Manojanraj – 1 August 2006

Newspaper vendor Mariathas Manojanraj was killed by a mine that was set off as he was going to Jaffna on 27 July to collect newspapers for distribution. The attack came as death threats were being made against the distributors of Tamil-language newspapers.

Sathasivam Baskaran - 16 August 2006

Sathasivam Baskaran, driver and distributor of the Jaffna based *Uthayan* newspaper, was shot dead in his *Uthayan* delivery vehicle after taking advantage of the temporary lifting of a curfew to deliver copies of the newspaper. He was shot while driving his clearly-marked vehicle in an area controlled by the Sri Lankan armed forces. According to the tamilnet website he was killed by soldiers.

Sinnathamby Sivamaharajah – 21 August 2006,

Sinnathamby Sivamaharajah, managing director of the Jaffna based Tamil-language *Namathu Eelanadu* newspaper, was shot dead in Vellippalai. Subsequent to the murder newspaper *Namathu Eelanadu* publication was closed.

Threatened media practitioners who seek safe haven in their offices and the houses of friends and relatives fear for their safety and those of their families. Others who have sought police protection complain of being placed under surveillance by those sent to guard whom they, who they also often have to feed and provide transportation for. Moreover, the *International Mission* was informed that state security agents often monitor the movements of media practitioners critical of the Government.

Media practitioners face great difficulty reporting threats they receive to authorities, including the police and the military. Moreover, in one incident, armed men who intruded into the offices of a Tamil newspaper and were later caught by the police were immediately released after the men allegedly identified themselves as military agents. Military units operating on the ground usually do so with a large measure of autonomy and apparently little accountability to their seniors at headquarters in Colombo.

The situation is further exacerbated by the lack of mitigating mechanisms such as risk awareness and safety training, support from media owners and news organizations, or even an informal safety network among media practitioners that would cut across the Tamil and Sinhala divide. Many Tamil media practitioners travel under threat of arrest and often do not inform friends or family, which places them in even greater danger.

The effects on media practitioners of prolonged trauma and stress are also of serious concern, particularly as no formal or peer support structures exist to address PTSD issues (media practitioners interviewed by the mission often shrugged their shoulders, saying that they cannot abdicate their duty to fulfil the people's right to know).

The *International Mission* was very concerned to discover that there appeared to be, at least on the basis of the reports that the Mission received, reluctance on the part of the authorities to investigate the murders and incidents thoroughly, and to follow through with public reports on any investigations. It was stated that there were cases where evidence had been provided of the identity of the alleged killers, or of information that may well have assisted in

their identification, yet the relevant authorities have apparently taken little or no action. For example, in the case of Dharmaratnam Sivaram the police reportedly arrested a cadre of an anti LTTE movement, after which there has been no reported progress. In the case of Suresh Kumar and Ranjith Kumar the name of one of the suspected attackers was provided to the police, but apparently no action has been taken.

Furthermore, this situation appeared to be part of a larger concern surrounding the culture of impunity with regards to fundamental rights. A number of cases were brought to the attention of the *International Mission* regarding human rights violations that had seemingly not been taken seriously by the authorities, thereby leading towards a crisis in confidence in the ability and willingness of the Government to take charges of gross human rights abuses seriously.

The question of the murder of media practitioners was specifically raised with the spokesman for the Ministry for Defence, Minister, the Hon. Keheliya Rambukwella. The Minister did not agree that as many as nine media practitioners had been murdered in the last 18 months, but acknowledged that there were at least two murders of which he was aware.

The *International Mission* undertook to supply additional information as to the identities and circumstances of the media practitioners' deaths, which was provided by the International Federation of Journalists on 25 October 2006 (please see Annexes for the 'End Impunity for Attacks on Media Workers in Sri Lanka: South Asian Editor's Mission' letter).

The Defence Spokesperson gave the *International Mission* a commitment that all allegations would be properly investigated. He stated that he was open to communication about these matters and would do what he could, not only to see to it that all relevant complaints were properly investigated, but that each would be appropriately followed up. That is to say, that there would be progress reports on the investigations of the incidents concerned (although none had been provided by the date on publication in January 2007).

The *International Mission* stressed its strong concerns about apparent impunity being extended to persons who undertake extra judicial murder (and other threats of violence), particularly in a climate where individuals are being targeted by what the *International Mission* would regard as incitement to violence. A belief that the relevant authorities will not investigate politically motivated violence can only serve to embolden those persons who are disposed to engage in such criminal acts.

Although it must be said that such acts are not limited to the journalistic and media communities, media practitioners, by necessity, adopt a higher profile whenever their work obliges them to report on issues which may excite political controversy. They are, almost by definition, conspicuous whenever the reporting of contentious events is required. When it is believed that retaliation can be visited upon a media practitioner without sanction, this must be a powerful incentive to those who would engage in political violence to do so.

Only an express repudiation by the authorities of any suggestion that a culture of impunity might be tolerated together with robust and appropriate investigations into any incidents of political violence can help to eliminate or minimise acts of political violence.

In light of these concerns, the *International Mission* welcomes the statement

by Anusha Palpita, Director of Government Information, that the Government of Sri Lanka deplores attacks on media personnel and media institutions in the North and East, and will not tolerate any attempts by any group or person to harass or intimidate media⁷. The *International Mission* looks forward to learning more about the 'comprehensive investigations into these incidents' which are to be reported on 'as early as possible' being undertaken by the Inspector General of Police at the request of President Mahinda Rajapaksa.

Furthermore, the *International Mission* welcomes UN Security Council Resolution 1738, adopted on 23 December 2006, and highlights its applicability to Sri Lanka. In this context the Resolution includes condemnation of attacks against media practitioners; reaffirms the need to bring to justice individuals who incite such violence in accordance with international law; emphasises the responsibility of States to comply with relevant obligations under international law to end impunity; and urges respect for the professional independence and rights of media practitioners.

7 Please see Annex 3: *Government deplores attempts to curb media freedom in the north and east*, Statement issued by the Director of Government Information, October 2006.

3 Censorship

Regarding censorship in Sri Lanka, the *International Mission* found an extremely complex media environment with violations varying in accordance with the type of media involved, their language, and their geographical position. Moreover, the perpetrators of this censorship, which is both informal and direct, ranged from the Government, parliamentarians and community group leaders, to the security forces, LTTE and militia.

A key problem is that of media self-censorship in relation to security matters. This was reinforced in September with a letter from the Ministry of Defence calling on media institutions to confirm their stories with the Ministry's Media Centre for National Security prior to publication. The *International Mission* was also informed that state security agents often monitor the movements of media practitioners critical of the Government. It was against this background that the *International Mission* conducted its interviews.

In the private sector, some media practitioners spoke of an 'atmosphere of fear' and claimed there was 'hostility in the air'. Private radio and television have been told to be cautious and not to give airtime to the LTTE, whereas the state media tended to avoid criticism of the Government. Media practitioners said there were difficulties in balancing stories and obtaining information and there were informal restrictions on writing.

Reinforcing the dangers for those ignoring these strictures, parliamentarians, parts of the media and some community leaders, have been prepared to describe some media practitioners as 'traitors' or 'spies', thus endangering their lives.

The *International Mission* found extreme differences in the experiences of the Sinhala, English and Tamil language media. Whilst members of the English and Sinhala language media spoke of intimidation and threats from the LTTE, as well as pressure to conform to the Government's views (in particular with the introduction of the new anti-terrorism regulations that have resulted in self-censorship amongst even the most senior English and Sinhala language media), it appeared that they functioned within a comparatively less constricted and dangerous environment than the Tamil language media, which often faced more severe difficulties.

As one Tamil media practitioner explained, the country is divided between the South where censorship is largely indirect and the North and the East where the restrictions are direct and overt. Describing the difference, this person explained, "It is like publishing in two different countries."⁸ Exacerbating this is the polarization in the Sri Lankan media with, as a media practitioner put it, the "Tamil media seeking Tamil evidence and the Sinhala media doing the same." Another media worker said there was 'no unity' and that the polarization weakened all segments of the media industry.

In explaining the situation, another media practitioner said the violations often occurred because the Tamil media reported on the ground in the conflict areas, whereas the Sinhala media often reported second-hand. Media practitioners trying to report in the North and the East spoke of being 'embedded' with either the LTTE or Government forces in the conflict areas

8 For further insight on this issues, please refer to the 'Study of Media in the North and East of Sri Lanka' (Centre for Policy Alternatives and International Media Support, Colombo, June 2003)

and said both sides maintained an inflexible grip on reporting in the areas they controlled.

However, there did seem to be some apparently increasing collaboration within professional media ranks in seeking solutions to ongoing problems through professional trade unions.

Tamil correspondents in the North and East, especially in Jaffna, face intense pressures ranging from the refusal of the police and military to confirm information to Tamil media practitioners; interference in the editorial policies of Tamil newspapers; late night visits to the newsroom by police and military personnel; violent threats issued by telephone and physical assaults and murder⁹. Preventing the distribution of print media in the North and East also constitutes a serious violation of press freedom and threatens to further exacerbate insecurity amongst local communities through lack of information. In this context, the *International Mission* was informed that paramilitary groups, such as the so-called 'Karuna faction', had been blocking the circulation of independent Tamil language media, including Virakesari, Thinakural and Sudar Oli, in the East of the country, although not state owned media.¹⁰ The electronic media are also forced by the military to provide a video copy of all film taken in the conflict areas.

The *International Mission* also found that the LTTE were guilty of a number of serious press freedom violations. In the LTTE controlled areas, press freedom was described as severely restricted and the organization is implicated in the abductions of media practitioners, the murder of a media practitioner, pressure on a Tamil newspaper, as well as attempts to force Tamil media practitioners to resign from state owned media.

At the same time, media practitioners in Jaffna and Eastern Sri Lanka face considerable difficulty in filing their stories. Transport services from Jaffna to Colombo are unreliable and infrequent. They have no access to mobile phones, landline services have been terminated and they are prevented from filing from Internet cafes.

Speaking about his attempts to report in this environment, one Tamil media practitioner spoke of having to obey 'four governments' – the Government, the LTTE, the paramilitary and militia, as well as the information officers of various NGOs. Another interviewee, in a similar vein, expressed the opinion that the public is becoming separated into alien segments that reflect a worrisome segmentation of society, suggesting that there existed at least four different Sri Lankas, namely: NGOs and the private sector; readers and adherents of the Sinhala media; readers and adherents of the Tamil media; Government supporters and others not in the above three categories.

These views were not always accepted by Government. The Minister of Mass Media and Information, Hon. Anura Priyadarshana Yapa, affirmed that media practitioners are encouraged to contact the Minister's office in the event of problems and challenges. The Minister asserted that the Ministry remains open at all times to media practitioners and the Minister is available, even at his home, with his telephone numbers being freely accessible to all. The Ministry has also established a Social Security benefits scheme for media practitioners. The Defence Ministry has also made available to media practitioners an emergency telephone line for immediate responses to urgent issues, with all calls to this number being recorded.

Other observations of the *International Mission* included the perception of inequality and being viewed as 'second class' citizens by readers and

9 On 6 November, officers of the 512th army division reportedly summoned to their offices in Jaffna the editors of Tamil newspapers Uthayan, Yarl Thinakural and Valampur, to tell them not to publish news from the Tamil Tigers and particularly not to print a message from LTTE leader, Velupillai Prabhakaran, on 'Heroes Day' on 27 November (Army tries to force tamil press into self-censorship, RSF, 9 November 2006).

10 Para-militaries from the dissident LTTE group, Karuna, reportedly burnt 10,000 copies of Virakesari near Batticaloa on 22 October (Ibid)

adherents of the Tamil media, as well as the depressed living conditions and livelihoods of media practitioners, their inadequate incomes and feelings of being a 'threatened species'.

Another problem is the lack of professionalism among some media workers. This, together with problems of access, inclusiveness of citizens and a lack of awareness of rights of the individual and media profession, have a seriously debilitating effect on the media.

Instances of corruption and unethical practices within the ranks of professional journalists were also noted, as well as a syndrome of "chronic fear" accompanying their every activity. Cases of vulnerability to anonymous telephone threats and other instances of harassment from agents on both sides of the conflict were noted, as well as fears that voice communications are subject to official monitoring and perceived harassment by what some consider to be 'agents of the state'.

4 Media policy environment

The *International Mission* found a disturbing situation with regard to Government policies and the legal framework, and their influence on press freedom and freedom of expression. Although the Government publicly maintains that press freedom is one of the keys to the country's democracy, it has done little to create an enabling legal environment to foster an independent pluralistic media. Indeed, the legal measures that have been taken tend to do the precise opposite.

Despite ongoing public debate on the issue, and numerous official recommendations to this effect, the Government has still not taken the necessary steps to transform the state broadcasters into genuine public service broadcasters with guaranteed editorial independence. Pursuant to the Sri Lanka Broadcasting Corporation Act, No 37 of 1966, for example, all of the members of SLBC's governing board are appointed by the Minister. It is widely recognised that this situation is undemocratic and tends to result in biased coverage by the state broadcasters.

The Government has also failed to adopt legislation to establish an independent broadcasting authority with the power to issue licences to commercial and community broadcasters. Instead, this is done either directly by the Minister or through SLBC.

Similarly, the adoption of access to information or right to information legislation continues to be delayed, despite its being placed on the Parliamentary Agenda. The Minister of Mass Media and Information, Hon. Anura Priyadarshana Yapa, affirmed that experts were currently working on a Freedom of Information Act, although no tangible results have followed, although it has been in progress since 2002.

At the same time, the Government has insisted on the need for the re-introduction of a Press Council. Before the visit by the *International Mission*, the Government had threatened to reintroduce a statutory Press Council. A spokesperson for the Ministry of Defence noted that the Ministry has made public appeals for the re-introduction of the Press Council, even though the Government insists that it is opposed to censorship and prefers a situation in which media practitioners regulate their own behaviour and practices.

However, the *International Mission* noted the apparent failure of existing self-regulation measures, whereby media practitioners were ignoring the existing Code of Ethics developed by members of the profession. Existing disparities in standards of quality and adherence to ethical and journalistic standards were seemingly not being addressed in a coherent and unified manner. The Code's influence and potential for raising standards, increasing the general awareness of the rights and responsibilities of the profession and improving professionalism all remain relatively unexploited.

These structural issues are exacerbated by ongoing censorship and content control issues. In August, the President informed editors that the military were arguing for the return of censorship regulations, and draconian new rules, in the form of the 'Emergency (Prevention of Terrorism and Specified Terrorist Activities) Regulations', were later introduced in December 2006¹¹.

11 Please see Annex 2: 'Statement on the Introduction of the Emergency Regulations 2006', Centre for Policy Alternatives and 'Statement on the New Measures', Free Media Movement.

The *International Mission* also noted measures preventing media practitioners from exercising their editorial functions in a professional manner, such as the prevailing prohibitions against reporting on "defence issues" and being specific about the extent of casualties and other statistics relating to the conflict.

This syndrome of fear is further exacerbated by different forms of Government censorship, such as the emphasis placed by the President, during weekly press briefings, on harsh penalties against the publication of stories considered as anti-national and the enforcement of prohibitions on publication of abductions and homicides by Government forces and militia, as well as documented instances of involvement of the security forces in harassment of media practitioners and determination of editorial policies. All of this is in place despite a situation where it is believed that at least 475 persons have been kidnapped in Eastern Sri Lanka in recent months.

Furthermore, high advertising taxes continued to prevail. State media institutions continued to be managed by political appointees rather than media professionals and there was restricted access to information on the conflict situation except through the newly established Media Centre for National Security.

Overall, the *International Mission* noted the critical absence of an enabling Government policy framework to allow and encourage media practitioners to operate freely in a professional manner, to promote a sense of solidarity among the media and to contribute to necessary solutions in these times of conflict.

The media, it appeared, needed to rely more and more on itself for the creation of a stable and professional environment in which to operate, including creating their own mechanisms for ensuring a truly public service media that encompasses community media. Furthermore, the media community should ideally seek to work in an inclusive manner, moving beyond differences, to reinforce existing professional and self-regulatory mechanisms and tools at their disposal.

5 Observations and recommendations

Based on the mission findings and the collective long-term engagement of the international organisations in Sri Lanka, the members of the *International Mission* call on the Government, security forces, LTTE, political parties, paramilitary and militia groups, and media community, where applicable, to offer clear undertakings to:

Enable an open, diverse and pluralistic media environment, in which media practitioners can report safely and independently in accordance with the Government's obligations under the country's constitution, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and other applicable international standards;

RECOGNISE the central and important role that independent, fair, balanced and accurate journalism plays in reducing tensions and insecurity, and applaud the courage and professionalism of media practitioners committed to providing reliable and accurate information. A free press embodying these principles is a central element in any efforts to find meaningful and lasting peace;

IMMEDIATELY HALT all threats, harassment, abductions and attacks against media practitioners and outlets currently being perpetrated by all parties to the conflict, but in particular on, but not limited to, the Tamil language media, with the aim of obstructing and hindering press freedom and freedom of expression. In this context, the *International Mission* reminds the combatant parties of their responsibilities under the Geneva Conventions¹²;

UNDERTAKE complete, transparent and timely investigations into the murder of media practitioners and death threats issued against media practitioners and their families, with an end to impunity for these acts. These investigations should include the murders of Subramaniam Sugirdharajan, Suresh Kumar, Ranjith Kumar, Lakmal de Silva, Mariathas Manojanraj, Sathasivam Baskaran and Sinnathamby Sivamaharajah. All these media practitioners have been killed in 2006, although there are numerous other cases from recent years that should also be fully investigated;

RECOGNISING that attacks against the media have been committed by all parties in the conflict, the *International Mission* firmly believes that the blame for impunity lies with those able to prevent such incidents, which includes the Government, security forces and LTTE in areas under their control. More should be done to ensure that those who attack media practitioners and outlets are arrested and prosecuted, as stressed by the participants of with the UNESCO World Press Freedom Day Colombo Declaration of 2 May 2006. In this context, the *International Mission* welcomes the pledge by the Government Defence Spokesperson, Keheliya Rambukwella, that all cases are being fully investigated and progress reports will be made public on a regular basis;

PLEDGE that timely and full support be provided to all media practitioners and outlets upon request to help ensure their safety and that their operations are not affected by threats and attacks. Media editors and owners should also take steps to the best of their ability to ensure the safety of their media practitioners;

¹² In specific this refers to the Third Geneva Convention of 12 August 1949 on the treatment of prisoners of war, and the Additional Protocols of 8 June 1977, in particular article 79 of the Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict (UN SC Resolution 1738).

HALT all interference in editorial independence and in this regard the *International Mission* welcomes the commitment of the Government Defence Spokesperson, Keheliya Rambukwella, that military personnel and police officers throughout the country should not be involved in influencing content;

ALLOW all media full and unhindered access to any area of the country from which they may wish to report, especially areas where civilians are affected by the conflict;

HALT the dangerous and irresponsible practice of publicly vilifying media practitioners in a manner likely to endanger their lives and those of their families and demonstrate a clear and unambiguous rejection of the targeting of media practitioners and outlets;

REVERSE action already undertaken that restricts press freedom and freedom of expression and refrain from any moves to introduce any form of direct or indirect censorship;

REVIEW Sri Lanka's present legislation, regulations, and powers, particularly the emergency regulations of August 2005 and December 2006, the Official Secrets Act, Press Council Laws, broadcasting laws, the contempt of court powers and other pertinent legislation, and to amend or revoke these in line with international standards on press freedom and freedom of expression. In the face of growing attempts to impose a statutory press council, the *International Mission* believes that the only appropriate regulation for the print media in Sri Lanka is independent self-regulation;

RECOGNISE that freedom of information is a fundamental right for everyone and enact a Freedom of Information law in accordance with international standards giving effect to this right;

URGENTLY take all necessary steps either to transform State-controlled media into public service media whose editorial independence is protected, or to broad-base or privatise them. Private broadcasters, including community radio, should have their independence guaranteed by law and be regulated by an independent body.

6 Annexes

6.1 Annex 1:

'End Impunity for Attacks on Media Workers in Sri Lanka: South Asian Editor's Mission' Public Letter from the Christopher Warren, President of the International Federation of Journalists (IFJ). to Hon. Keheliya Rambukwella, Minister and Defence Spokesperson, Government of Sri Lanka.

Media Release: Sri Lanka October 25, 2006

End Impunity for Attacks on Media Workers in Sri Lanka: South Asian Editor's Mission

A delegation comprising Mazhar Abbas, Bureau Chief, AFP, Karachi, and Secretary General, Pakistan Federal Union of Journalists (PFUJ), Jacqueline Park, Director, International Federation of Journalists (IFJ), Asia Pacific, Laxmi Murthy, Program Manager, IFJ and Sunanda Deshapriya, Convener, Free Media Movement (FMM), on October 24, met the Hon. Keheliya Rambukwella, Minister and Defence Spokesperson, Government of Sri Lanka.

The delegation was part of the South Asian Editors Mission visiting Sri Lanka in response to the precarious condition of media workers following the recent deterioration of the security situation in the country.

The delegation handed over a letter from Christopher Warren, President of the IFJ, furnishing details of media workers killed during the last two years. Mr Rambukwella assured the delegation that he would look into each of the cases mentioned.

On October 10, Mr Rambukwella had met a delegation representing the International Press Freedom and Freedom of Expression Mission, including IFJ, which had come to Sri Lanka to assess the press freedom environment in the country.

The text of the submission follows.

To,
Hon. Keheliya Rambukwella
Minister and Defence Spokesperson,
Government of Sri Lanka

Dear Sir,

Let me first of all express the sincere regret of the International Federation of Journalists (IFJ) and our condolences to those families who have suffered loss as a result of the attacks over the past few months of escalated violence.

You will recall that on October 10 you met a delegation representing the International Press Freedom and Freedom of Expression Mission, including the International Federation of Journalists (IFJ), which had come to Sri

Lanka to assess the press freedom environment in the country. During this meeting you were enjoined to give assurances about the investigation of a number of deaths of media workers.

The IFJ, along with the delegation and its sponsors, welcomed your pledge on that day that you would see to it that all cases would be fully investigated and that progress reports would be made available on a regular basis. As your information about the number of deaths and the circumstances did not match with the documentation undertaken by civil society of these murders, we take this opportunity to furnish the relevant details.

The particular journalists and media workers, who were the subject of the request, are as follows:

2005

- Darmaratnam Sivaram – On 29 April, Darmaratnam Sivaram's body was discovered near the Sir Lankan parliamentary complex in a high security zone in Colombo. An unidentified gang abducted Sivaram from outside a restaurant the previous day at 10:30pm. The high security zone where Sivaram's body was found is tightly patrolled by Sri Lankan government security forces, leading local groups to blame the government for his murder. Darmaratnam Sivaram, also known as 'Taraki', was a political columnist with the English language newspaper, *The Daily Mirror* and member of editorial board of tamilnet.com, and was an outspoken critic of the Sri Lankan government.
- Relangi Selvarajah on August 12 – Relangi Selvarajah and her husband were shot dead by unknown gunmen at around 1pm in Bambalapitiya, Colombo Sri Lanka. Selvarajah had previously worked as a TV presenter with the Sri Lanka Rupavahini Cooperation (SLRC) and was working as a journalist with Sri Lanka Broadcasting Cooperation (SLBC).

2006

- Subramaniam Sugirdharajan – On January 24, Sugirdharajan, a Trincomalee port employee as well as a journalist was shot dead as he waited for a bus to go to work in the morning. He had published photographs and news reports critical of the army and of paramilitary groups active in Trincomalee, in the newspaper *Sudaroli Oli*. His photographs of the 5 students killed in Trincomalee on January 2 helped contest the original reports that they had been killed by grenades.
- Suresh Kumar & Ranjith Kumar – On May 3, as journalists gathered in Colombo to celebrate Press Freedom Day, a group of unidentified men attacked the office of the *Uthayan* newspaper in the northern city of Jaffna. Suresh Kumar, the Marketing Manager and Ranjith Kumar, working in the Circulation Department, were killed. 5 others were injured and the office damaged. The Police took 6 persons into custody in this regard but allowed bail. Some sources in Jaffna have alleged that these persons were not involved in the incident at all.
- Lakmal de Silva – On July 2, freelance journalist Sampath Lakmal de Silva was shot dead by an unknown group on 2nd July 2006. He was abducted at 5:00 a.m. (local time) from his parents' home in Borallasingamuwa, south of Colombo. He was found shot dead three kilometres from his home. His mother said he went out to meet some military operatives, known to him for some time.

- Mariathas Manojanraj – On August 1, newspaper vendor Mariathas Manojanraj was killed by a mine that was set off as he was going to Jaffna on 27 July to collect newspapers for distribution. The attack came as death threats are being made against the distributors of Tamil-language newspapers.
- Sathasivam Baskaran – On August 16, driver come distributor of the Jaffna based *Uthayan* newspaper was shot dead. Sathasivam Baskaran, 44, was gunned down in his *Uthayan* delivery vehicle after taking advantage of the temporary lifting of an army curfew to deliver copies of the newspaper. He was shot while driving his clearly-marked vehicle in an area controlled by the Sri Lankan armed forces. According to the Tamilnet website, he was killed by soldiers.
- Sinnathamby Sivamaharajah – On August 21, Sinnathamby Sivamaharajah, managing director of the Jaffna based Tamil-language *Namathu Eelanadu* newspaper, was shot dead in Vellippalai. Police are investigating the murder, according to news reports. The motive for the killing is unclear. Subsequent to the murder newspaper *Namathu Eelanadu* publication was closed.

I am sure that you are familiar with all these cases. These journalists and other media workers have all been killed in last 16 months.

We would respectfully ask that you call for progress reports in all the investigations into the murders of these individuals, and make this material public as soon as possible, with copies sent to our local organisations, which in the case of IFJ, is the Free Media Movement (FMM). For your information I have enclosed a list of the organisations that sponsored the delegation.

I understand that you have a busy schedule, and for that reason, may I thank you on behalf of the International Federation of Journalists for extending the time and courtesy to the members of the delegation who you so generously agreed to see and with whom you spent a significant amount of time on October 10.

We look forward to seeing your response to this letter.

Yours faithfully,

Christopher Warren
President
International Federation of Journalists

6.2 Annex 2:

'Statement on the Introduction of the Emergency (Prevention and Prohibition of Terrorism) Regulations 2006', Centre for Policy Alternatives and 'Statement on the New Measures', Free Media Movement.

Statement on the Introduction of the Emergency (Prevention and Prohibition of Terrorism) Regulations 2006, Centre for Policy Alternatives, December 2006

The Centre for Policy Alternatives expresses its concern with respect to both the process by which the Emergency (Prevention of Terrorism and Specified Terrorist Activities) Regulations of December 2006 were introduced and with respect to their substance.

CPA believes that a proper response to the introduction of these new regulations cannot be made in isolation from the current political and constitutional context. As such, CPA calls upon the Government and all political parties represented in Parliament to revise the amendments to make them compatible with international human rights norms and the Rule of Law.

Our key concerns, in brief are:

- The wide, overbroad language of several of the regulations, which could curtail legitimate democratic activity, dissent and the autonomy of civil society groups.
- The sweeping discretionary power of the Competent Authority over the activities, inter alia of civil society organizations including those committed to human rights, national reconciliation and also over the media.
- The composition and legal standing of the Appeals Tribunal, which is a blatant violation of the principle of separation of powers and is an unconstitutional encroachment into the judicial sphere of government.
- Given the past record and the current context of a culture of impunity, the wide immunity clause (Regulation 15) that could be used to protect members of the police, armed forces and other persons who take action in good faith in terms of the proposed regulations in the discharge of their duties.

The Centre for Policy Alternatives opposes any moves to reactivate parts of the Prevention of Terrorism Act which were suspended under the terms of the Cessation of Hostilities Agreement between the Government of Sri Lanka and the LTTE in February 2002.

Our concerns are enumerated in detail below.

There remains widespread confusion as to what the decision of the Cabinet of Ministers on Wednesday 7 December actually was. While both the President and the Prime Minister made public pronouncements that the Prevention of Terrorism (Temporary Provisions) Act of 1979 was to be reintroduced, what the Government released to the public was a new set of Emergency Regulations promulgated under the Public Security Ordinance titled Emergency (Prevention of Terrorism and Specified Terrorist Activities) Regulations. Furthermore several Ministers in their public statements declared that the introduction of these new regulations was the sole decision of the Government and media reports suggest that this was also communicated to the LTTE.

While expressing grave concern at such confusion and mixed messages made by a Government with respect to subject matter that has serious consequences for human rights, the power of the State vis-à-vis its citizens and good governance, and calling for urgent clarification by the Government on these matters, we wish to make the following observations.

The Emergency Regulations (Prevention of Terrorism and Specified Terrorist Activities 2006)

CPA is concerned at the wide, overbroad language of several of the regulations which could in addition to dealing with activities that the State could legitimately restrain or prohibit in the interests of national security and the suppression of terrorism, also curtail legitimate democratic activity, dissent and the autonomy of civil society groups.

We refer in particular to wide scope of the range of activities prohibited by Regulation 2, 3 and 4, the definition of terrorism in Regulation 16 (i) and the immunity clause, Regulation 15. These provisions are overbroad, drafted in very wide language allowing for the possible criminalisation of a range of legitimate activities of civil society, and would violate constitutionally protected fundamental rights.

The regulations however provide for exemptions to engage in approved transactions in certain circumstances such as the furtherance of peace and the termination of terrorism with the written permission of a Competent Authority appointed by the President. This will give the Competent Authority, sweeping discretionary power over the activities, inter alia of civil society organizations including those committed to human rights, national reconciliation and also the media. Such powers will give the Government excessive control over civil society organizations which is incompatible with the freedom of expression and association and other freedoms which are necessary for the independence and autonomy of such organizations.

The dangers of these regulations are made worse by the fact that an appeal from the decision of such Presidential appointee is to be made to an Appeals Tribunal consisting entirely of Presidential appointees who hold office at the pleasure of the President, the Secretaries to the Ministries of Defence, Finance, Nation Building and Justice. Conferring what amounts to at least quasi-judicial powers to persons in the executive branch of government is a blatant violation of the principle of separation of powers and is an unconstitutional encroachment into the judicial sphere of government.

Furthermore it is fanciful to believe that a tribunal consisting of secretaries to Ministries can function as an independent appellate institution CPA is particularly concerned about the wide immunity clause (Regulation 15) that could be used to protect members of the police, armed forces and other persons who take action in good faith in terms of these regulations in the discharge of their duties. Given the wide ranging powers provided to the State and its officers under these regulations, the absence of independent review, the history of abuse of similar draconian legislation, including the Prevention of Terrorism Act, to stifle legitimate democratic activity and political dissent, and the culture of impunity that has developed in Sri Lanka in recent months in particular, such a clause could easily become one that promotes impunity rather than providing for immunity for bona fide actions.

The Prevention of Terrorism Act

The Centre for Policy Alternatives opposes any moves to reactivate parts of the Prevention of Terrorism Act which were suspended under the terms of the Cessation of Hostilities Agreement between the Government of Sri Lan-

ka and the LTTE in February 2002. The PTA remains a draconian piece of legislation which is incompatible with basic international human rights norms and was introduced by the J.R. Jayewardene government in 1979 amidst widespread opposition from opposition parties and civil rights groups. It failed to curtail or suppress terrorism, was used to intimidate and harass political opponents and fostered a culture of impunity.

Conclusion

CPA believes that a proper response to the introduction of these new regulations cannot be made in isolation from the current political and constitutional context. The Government's continuing flagrant violation of the Seventeenth Amendment to the Constitution, thereby resulting in the absence of any independent Commissions to provide for depoliticisation, independence, integrity and good governance, the serious concerns about the current state of the rule of law and the independence of the judiciary and the effectiveness of the parliamentary opposition, create a context in which many of the established constitutional and legal safeguards which act as a countervailing force when governments bestow on themselves extraordinary powers in times of national emergency, regrettably do not exist in Sri Lanka today. As such, CPA calls upon the Government and all political parties represented in Parliament to revise the amendments to address the deficiencies referred to above, to make the regulations compatible with international human rights norms and the Rule of Law.

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Statement on the New Emergency Measures Free Media Movement, 8 December 2006

The public security and anti-terrorism measures introduced by the government this week are potentially extremely negative for freedom of speech and expression in Sri Lanka.

The new emergency regulations (Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations) enacted on 6th December 2006 contain several novel features, which need to be further clarified in order to meet international standards of appropriate balance between freedom of expression and its limitations on the grounds of national security and the prevention of terrorism.

The Free Media Movement (FMM) expresses its serious concern regarding the enactment of these regulations, which we strongly feel may result in censorship, the violation of human rights, restrict the space and ability of civil society to engage in conflict transformation and the further erosion media freedom. (Please visit below link to read new regulations:
http://www.freemediasrilanka.org/index.php?action=con_news_full&id=389&ion=news)

The prevention of terrorism is a legitimate aim for any democratic government, and legally defining terrorism and specified terrorist activities attracting penal sanction is in principle justified and necessary.

However, extreme caution must be had to ensuring that such measures are not vague or overbroad for the purposes for which they are enacted, and such restrictions on constitutionally protected rights they impose must always be proportionate to the harm sought to be averted. In other words,

anti-terrorist measures cannot themselves essentially undermine democratic values and basic standards of constitutional government.

The FMM is deeply concerned, therefore, that the new regulations, which are in addition to those already in operation, attempt to define terrorism in extremely broad terms and in their enactment, potentially pose a serious threat to democratic governance and fundamental rights in Sri Lanka.

We note that the latest proclamation is at pains to posit itself within the nature and scope of legitimate anti-terrorist measures as set out in UN Security Council Resolution No. 1373 of 2001. Nevertheless, given the long history of emergency related abuse of power in Sri Lanka, there are several points of serious concern with regard to the new regulations.

In particular, we would note the impermissibly wide scope of the range of activities prohibited by Regulation 2, 3 and 4 and the definition of terrorism in Regulation 16 (i). These provisions are couched in very wide language allowing for the possible criminalisation of a range of democratically legitimate activities including the role of the media and civil society, and would clearly infringe constitutionally protected fundamental rights including the freedom of expression.

The prohibition on 'transactions' with persons or organisations identified as terrorists by the new regulations is subject to an exemption (first proviso to Regulation 4) whereby persons may engage in approved transactions with persons or organisations designated as terrorists with written permission of the Competent Authority (appointed under Regulation 11).

This is a sweeping power that can be highly susceptible to abuse and for governmental control of the free media and civil society. Similarly, the new feature of an appeals tribunal (Regulations 13 and 14) cannot be expected to perform the role of an independent reviewer of executive action, given that the body is composed of Ministry Secretaries.

Taken together, it is inconceivable that such a broad conferral of powers can be exercised without imminent abuse and violation of fundamental rights, especially in the context of the current challenging security environment.

Finally, FMM seeks clarification regarding the operation of the Prevention of Terrorism Act (PTA). While no proscription or further regulations under the PTA have been announced at this stage, the President in his address to the nation on 6th December stated that the government has decided to reactivate the provisions of the PTA. Given the undertaking by the government of Sri Lanka not to exercise certain of its powers under the PTA in terms of the Ceasefire Agreement of February 2002, it would be helpful if the government could clarify the precise implications of its decision to reactivate the PTA.

We strongly request the government to clarify the points noted herein urgently and hasten to strengthen democratic governance and fundamental rights in Sri Lanka.

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6.3 Annex 3

'Government deplores attempts to curb media freedom in the north and east' (Statement issued by Anusha Palpita, Director of Government Information, 27 October 2006)

Government deplores attempts to curb media freedom in the north and east

The Government of Sri Lanka deplores attacks on media personnel and media institutions in the north and the east. The GOSL is of the view that these attacks on media have been perpetrated by terrorist groups and interested parties outside the democratic mainstream.

The latest of such incidents is the burning of copies of Virakesari newspapers by an unknown group in Batticaloa on Monday. The GOSL deplores the incident and has ordered an immediate investigation into the incident.

H E the President Mahinda Rajapaksa has instructed the Inspector General of Police to carryout comprehensive investigations into these incidents and report early as possible.

The GOSL is fully committed to media freedom and will continue to take every possible step to protect the media institutions and media personnel. The GOSL recognizes that an attempt to prevent distribution of newspapers is an attack on the right to information and it is totally unacceptable in a democracy.

The media has the fullest freedom to inform the people and no group or person has a right to interfere with this freedom. The GOSL will not tolerate any attempts by any group or person to harass or intimidate media and every possible step will be taken to foster, strengthen and sustain media freedom in Sri Lanka.

Anusha Palpita
Director of Government Information

6.4 Annex 4

Public letter from IMS to Hon. Keheliya Rambukwella, Minister and Defence Spokesperson, and Hon. Anura Priyadarshana Yapa, Minister of Mass Media and Information, presenting the report to the Ministers.

Dear Ministers,

I would like to present to you the 'Press Freedom and Freedom of Expression in Sri Lanka: The Struggle for Survival' report authored by the International Press Freedom and Freedom of Expression Mission.

This report is based on the findings of the visit of the *International Mission* to Sri Lanka in October last year. As you will recall, the *International Mission* is comprised of fourteen international press freedom organisations, whilst the report itself was prepared by International Federation of Journalists, International Press Institute, International News Safety Institute, United Nations Educational, Scientific and Cultural Organization, and my own institution, International Media Support.

The report provides a balanced overview of the press freedom situation in Sri Lanka at the current time. As the title indicates, the findings of the *International Mission* show that there has been a very serious deterioration in the freedom of expression and press freedom environment since the escalation of the conflict a year ago, which in turn has exacerbated insecurity and fuelled violence. Attacks perpetrated against the media are at levels making Sri Lanka one of the most dangerous countries in the world for media practitioners. In this context, the actions of the combatant parties, and paramilitary groups associated with them, have reportedly been aimed directly at intimidating and killing media practitioners. Furthermore, levels of both direct and indirect censorship threaten to destroy any open media environment based on the fundamental right of freedom of expression.

As you will recall from the meeting between the *International Mission* and Hon. Keheliya Rambukwella in October 2006, we welcome the assurances given about the investigation into the killing of a number of media practitioners. As was requested, the International Federation of Journalists (IFJ) provided information relating to the deaths of nine media practitioners in an open letter to Hon. Keheliya Rambukwella, dated 25 October 2006. Since that time we hope that the authorities have made progress with investigating these killings, thereby sending a clear message that a culture of impunity does not exist in the country.

The *International Mission* welcomed the statement by Anusha Palpita, Director of Government Information, that the Government deplores attacks on media personnel and media institutions and will not tolerate any attempts by any group or person to harass or intimidate the media. The *International Mission* looks forward to learning more about the 'comprehensive investigations into these incidents', being undertaken by the Inspector General of Police at the request of President Mahinda Rajapaksa, which are to be reported on 'as early as possible'.

As a follow-up to the commitments given by Hon. Keheliya Rambukwella and the statement made by Anusha Palpita, a public statement on the progress being made on the investigations into the killings would be a clear demonstration of the Governments serious commitment on this issue.

The *International Mission* would also like to raise specific concerns surrounding two developments that have taken place since the mission in October 2006. Firstly, we are concerned about the negative impact that the new emergency regulations, 'Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations' enacted on 6 December 2006 are having on press freedom. The broad definitions used in these regulations to define terrorism pose a very real threat to freedom of expression and democracy, and in this regard, is forcing all media in the country to engage in self-censorship.

Secondly, as I am sure you are aware, newspapers in Jaffna are facing an acute shortage of newsprint and ink. As a result, the Uthayan, Valampuri and Yarl Thinakkural dailies are now only publishing four-page issues, instead of the 20 pages they normally produce, and may eventually be forced to cease publication altogether. We have been informed that this is because newsprint is being prevented from being sent from Colombo. We of course realise that since the closure of the A9 road there has been a restriction in available transportation to Jaffna. However, the reported refusal by the Commissioner General of Essential Services to allow newsprint and ink to be taken aboard ships travelling to Jaffna is of serious concern. As you will be aware, access to information is a key element in ensuring stability, and the lack thereof could lead to exaggerated rumour replacing accountable journalism as the main source of news and information for the local population, thereby fuelling instability and violence. We therefore ask that this issue be addressed at the highest level as soon as possible. Moreover, this situation comes on top of the continuing de-facto circulation ban imposed on Colombo based Tamil newspapers in parts of the Eastern province.

Finally, the *International Mission* would like to highlight the applicability of UN Security Council Resolution 1738, adopted on 23 December 2006, to the situation in Sri Lanka. In this context the Resolution includes condemnation of attacks against media practitioners, emphasises the responsibility of States to comply with relevant obligations under international law to end impunity, and urges respect for the professional independence and rights of media practitioners.

Recalling the words of President Mahinda Rajapakse from his speech on World Press Freedom Day in May 2006, 'media freedom...is an important instrument for the protection of democracy, and an insurance against a possible drift towards an authoritarian rule', we hope that the Government will ensure that freedom of expression is maintained as a fundamental right of the people of Sri Lanka.

We appreciate the open and cooperative attitude of the Government towards the *International Mission* and look forward to your response to this letter.

Yours sincerely,

Jesper Højberg
Executive Director
International Media Support

7 Contact details

For further details about the mission and report please contact one of the following participating organisations:

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