



CENTRE FOR POLICY ALTERNATIVES
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War, Peace and Governance in Sri Lanka

Overview and Trends 2006



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The Centre for Policy Alternatives (CPA) is an independent, non-partisan organization that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

The report is based on monitoring and research conducted by the five units of the CPA. The economic chapter is compiled by Dr. Muthukrishna Sarvananthan of the Point Pedro Institute for Development.

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State of the Media

This chapter is taken from the larger report ***War, Peace and Governance in Sri Lanka: Overview and Trends 2006***. It is available for immediate download from http://www.cpalanka.org/research_papers/War_Peace_Governance.pdf.

Covering issues related to human security, governance, the peace process, constitutional developments, the economy, public opinion shifts and media, the full report provides a comprehensive overview of key social, political and economic developments in 2006, with projections into 2007.

State of the Media

Introduction

The severe erosion of media freedom in 2006 makes it one of the worst years on record in terms of both the physical assaults and intimidation of the media. The media in Sri Lanka confront a challenging situation – journalists find it increasingly difficult to conduct their work, there is scant regard for media freedom and the freedom of expression on the ground and despite assurances by various armed groups, including the Sri Lankan Army, threats, harassment and intimidation against the media increase daily. Civil society organisations such as the Free Media Movement, INFORM and the Centre for Policy Alternatives have repeatedly issued statements, often to no avail, flagging serious concerns about the increasing intolerance and hatred against journalists and media, including physical and verbal abuse, killings, abductions, acts of arson and death threats. Furthermore, accurate, impartial and responsible journalism is under severe pressure from the coercive and deeply disturbing censorship and other constraints, direct and indirect, imposed by the Government, the LTTE and the Karuna faction.

The suppression of media freedom needs to be understood as a part of a wider context of violence and abuse of fundamental rights and the diminishing prospects for democracy, peace and governance in Sri Lanka in 2006. A growing cynicism with respect to the Rule of Law also contributes in large part to the increasing impunity in the country. The shrinking space for civil society coupled with the imposition of emergency regulations and new anti-terrorism regulations have contributed to a context wherein the freedom of expression and media freedom are severely curtailed. Articulating any opinion beyond or in opposition to that which is considered to be patriotic and in the interest of national security, as parochially defined by the State, carries grave consequences under these new regulations.

The media suffers the brunt of the collapse of democratic governance, unable to investigate allegations of corruption, nepotism and systemic breakdowns in governance, or act as watchdogs of democracy, for fear of Government reprisals. Although the international community (IC) issued a number of statements expressing concern and condemnation of the erosion of human rights, and international missions to Sri Lanka as well as global press freedom and advocacy organisations flagging Sri Lanka as one of the most dangerous countries in the world to work as a journalist, there is no demonstrable change in the mindset of the Government, the LTTE and the Karuna faction to secure and strengthen media freedom. Despite public pronouncements made by each party, the combined effect of the new legislation & old regulations such as the Official Secrets Act (OSA), the lack of a Right to Information framework, and the open hostility against conflict sensitive media that fosters peace and reconciliation is a heady mix that overwhelmed efforts to secure media freedom in 2006.

Overview of statements and reports on media freedom

The media in Sri Lanka has repeatedly been challenged, especially over the last twenty years, in maintaining its independence and acting as a watchdog. However, 2006 was an exceedingly difficult year to engage in such activities. A number of key local and international organisations that monitor and speak on behalf of media freedom pointed to the deterioration of media freedom in Sri Lanka over the course of the year.¹ As noted by the International Federation of Journalists Asia-Pacific in *Journalism in troubled times: The struggle for press freedom in South Asia 2005-2006*:

The overarching loss of security, coupled with the anxiety of another outbreak of war and pressure from the Government not to report critically on their approach to the peace process has resulted in media self-censorship. Though the past year was pivotal in energising provincial media to support holistic media reform, it was nevertheless also one in which the continuing erosion of media freedoms on account of violence and conflict severely mitigated any progress.²

Concurring with this observation, the report prepared for the Second Session of the UN Human Rights Council by FMM & INFORM avers;

In the past year or so, as the ethnic conflict has escalated and as the proponents of a military solution have gained ascendance in political arenas and in the media, an unprecedented level of hate speech are been generated and broadcast against the media and against journalists who cover the ethnic conflict in a balanced and unbiased manner. The space for dissent, or for holding diverse opinions, has shrunk and the spirit of constructive criticism of politics and politicians has almost disappeared. The high levels of polarisation in the society is reflected in the polarisation within the media and among journalists as well.³

Particularly disturbing was that within this larger erosion of media freedom and human rights, Tamil journalists in particular suffered the brunt of attacks against the media.⁴ Over two dozen Tamil media workers have been abducted, directly threatened, severely assaulted or killed over the course of the year. On January 24, 2006, Subramaniyam 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.⁵ His murder set off warning bells to other journalists to be cautious in investigative journalism and human rights reporting. We stress that the Government must conduct complete, transparent and timely investigations into the murder of media workers and death threats issued against media workers and their families, with an end to impunity for these acts.

There have also been attacks on their houses, newspaper offices and printing presses.

- 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.⁶
- The circulation of some Tamil newspapers has been unofficially banned in parts of the North East. In October 2006 and again in January 2007 the Karuna Group 'banned' the circulation of Thinakural, Virakesari and Sudar Oli in Batticaloa-Amparai⁷. Also in October 2006, the Karuna group burnt 10,000 copies of the Tamil daily newspaper "Virakesari"⁸.
- In Jaffna there were increasing death threats against the distributors of Tamil-language newspapers. 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.
- On August 16, 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.⁹
- This was followed by the murder of Sinnathamby Sivamaharajah, managing director of the Jaffna based Tamil-language Namathu Eelanadu newspaper, who was shot dead on August 21, in Vellippalai. Subsequent to the murder newspaper Namathu Eelanadu publication was closed.

- Sections of the Sri Lankan Army, notably the 512 Brigade based in Jaffna, summoned the Editors of 3 Jaffna dailies on 6th November 2006 and warned them against publishing any news critical of the military in Jaffna¹⁰. There were also other efforts at intimidation.
- On September 7 2006, 6 armed men entered the premises of Uthayan and threatened its editorial committee with “severe reprisals” if they did not publish a statement urging Jaffna students to call off their strike.¹¹

Media under fire

The assault on the Tamil media over 2006 was clear:

After the murder of Rohana Kumara, editor of Satana, in 2001 and till the killing of Sampath Lakmal in July 2006, every single journalist and media person murdered in Sri Lanka has been a Tamil. The majority of media persons who have been subject to intimidation in one way or the other are also Tamil. The media institutions that have been bombed, set on fire and attacked are also almost all those engaged in publishing and broadcasting in Tamil. In this environment, when presenting the various views and opinions in Tamil society becomes imperative in the search for a just and sustainable peace in Sri Lanka, the silencing of the alternate voices in Tamil society represents a slide down the path to sustained discrimination and hostility between the communities.¹²

Accordingly, there is an urgent need to remove all unofficial and military restrictions imposed on Tamil language media and ensure the safety of the Tamil journalists. However, as the murder of Sinhalese journalist Lakmal Sampath De Silva made clear, the suppression of the media was not restricted just to the Tamil media. 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. 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 time¹³. That these efforts were successful in intimidating journalists, who out of fear for their lives and safety, were essentially gagged from reporting accurately, impartially and responsibly, is a chilling reminder of the gravity of the situation facing free media in Sri Lanka. There were reports that journalists and editors would receive calls to question why particular stories were covered in the way that they were. In September 2006, the Media Centre for National Security (MCNS) stated that any news gathered by your institution through your own sources with regard to national Security and defense should be subjected to clarification and confirmation from the MCNS in order to ensure that correct information is published, Telecast or Broadcast. Condemning this move, the FMM requested the MCNS to reconsider their decision to impose a regime of censorship on media and instead allow for the dissemination of information in a free and open manner¹⁴. In his address to the nation on 6th December 2006, the President provocatively asked all media to decide as to whether they were going to support “a handful of terrorists or with the common man who is in the majority”, stating that one could not do both¹⁵. On the 20th December 2006, two senior journalists – Ranga Jayasurya (News Editor, The Sunday Observer) and Lionel Yodasinghe (Associate Editor, The Sunday Observer) - were summoned to the HQ of Criminal Investigation Division (CID) of the police and questioned under the newly enacted anti-terrorism regulations.¹⁶ The President's speech, the stance of the MCNS and the actions of the CID point to the new Emergency and anti-terrorism regulations were all extremely negative developments for freedom of expression rights in Sri Lanka. These regulations have become unofficial censorship and attempts have been made to arrest and indict journalists under these regulations. The Government should make a categorical statement that these new regulations will not be used to curb FOE rights and against journalists.

Diminishing Freedom of Expression

It should be noted that the freedom of expression does not exist in a vacuum and that to flourish it needs enabling environment of a healthy democracy. Given the anxiety, fear and severe threats to journalists, there is a need to secure fundamental rights for all citizens, and journalists in particular. However, as noted by the IFJ, it was not only violence, intimidation and harassment that impacted on media freedom in 2006 but also Sri Lanka's domestic laws and recent Supreme Court decisions. The Court's decision with regard to the constitutionality of Sri Lanka's accession to the Optional Protocol of the ICCPR and the existence of, among other laws, the Official Secrets Act of 1995, Press Council Law of 1973 and the 6th Amendment to the Constitution needs to be noted. Many more recommendations to bring Sri Lanka's domestic laws in line with our commitments under the ICCPR can be found in a report released by Frederick-Ebert-Stiftung (FES) in 2005¹⁷.

It is not only media freedom that suffered in 2006. Freedom of expression and cultural production also took heavy blows with the Government's banning of the Hollywood movie *The Da Vinci Code*, the imposition of unreasonably high taxes on foreign TV programming imported by local broadcasters and the sealing of two local pay-TV (satellite) channels for alleged threats to national security (both resumed services late-2006 after a protracted legal battle that refuted allegations against them, and ironically, faced intimidations and threats even after the final verdict of the Supreme Court)¹⁸. Furthermore, the Cultural Ministry withdrew the initial censor board approval granted for public screening of *Aksharaya* (Letter of Fire), the latest feature film by internationally acclaimed film-maker Asoka Handagama, purportedly for reasons of sexual impropriety. As noted by Nalaka Gunawardene

*In each of these cases, bureaucratic action was preceded by a short-lived smear campaign by a small group of angry individuals or business rivals. There was no due process, and some affected individuals and companies were forced to turn to the courts - which can take months or years to hear cases - for legal redress. And bans, once imposed, are not easily withdrawn, unless ordered by courts.*¹⁹

The lack of due process and the authoritarian bent of the Government were also evident in the banning of the Raja FM radio station, under archaic Societal Good Conduct Act No. 37 of 1966, for "anti-social and extremely repulsive and vulgar material that could corrupt the society, specially [sic] the younger generation."²⁰ Elements of this cultural censorship in 2006, the result of a parochial interest to reign in media to toe the line with the Government's nationalist, majoritarian perspectives, bedeviled efforts to strengthen free media and severely undermined the Government's avowed commitment to the freedom of the press²¹.

A litany of problems

As the IFJ report points out, (i) the declining safety of journalists (ii) the partisan bias of State media and the resulting lack of professionalism (iii) the lack of public service orientation in State media in particular (iv) the lack of true, independent, community radio are, amongst others, overall indicators of the lack of any progressive, reformist media agenda of the incumbent Government. This in turn fed into the vortex of challenges to media brought about by the increasing levels of violence. Reporting conflict and peace professionally was rendered near impossible in 2006. The projection of this situation continuing into 2007 is cause for serious alarm and calls for urgent measures to secure media freedom in Sri Lanka.

It seems that based on existing trends the media will face increasing challenges over 2007. There is a clear need for steps to be taken to ensure that media personnel can function in an environment free of harassment and targeted violence; restrictions on the media and media freedom are reversed; including unhindered access; the state controlled media becomes a public service media and the Freedom to Information is recognized with a review of Sri Lanka's existing legislation and procedures.²²

Observations and Recommendations

The central challenge in Sri Lanka is to foster professional media, acting impartially & reporting accurately and responsibly, with a focus on public interest and peacebuilding; and to train and equip people for carrying out this task with sensitivity and regard for facts without endangering their personal safety and security. The following observations and recommendations are noted in this regard, recalling those made by the initial report of the International Fact-Finding and Advocacy Mission to Sri Lanka²³, a synthesis report by CPA on media reform²⁴ and the FMM / INFORM report for the Second Session of the UN Human Rights Council:

Practical steps

- A full impact assessment (for instance, content analysis over time) needs to be done collectively by donors who have supported media reform initiatives. There also needs to be more donor-coordination, in part towards the development of a comprehensive strategic roadmap for media reform in Sri Lanka in collaboration media ministry, various media houses/institutions, associations and NGOs.
- Allow all media full and unhindered access to any area of the country from which they may wish to report
- Ensure that those who attack media workers and outlets are arrested and prosecuted and undertake complete, transparent and timely investigations into the murder of media workers and death threats issued against media workers and their families, with an end to impunity for these acts.
- Support the development and strengthening of communications strategies of NGOs & CSOs to effectively address the challenges of peacebuilding
- Realise the potential of new media and citizen journalism in addition to a continued emphasis on mainstream media, as mechanisms that galvanise public support and awareness of human rights, democracy and peace.

Policy measures

- Review Sri Lanka's present legislation, regulations, and powers and amend or revoke these in line with international standards on press freedom and freedom of expression
- Recognise that freedom of information is a fundamental right for everyone in society and to enact a Freedom of Information law that meets all international standards
- Take all necessary steps to turn state-controlled media into broad-based public service media, including community media
- 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

These recommendations are made in light of their crosscutting nature & importance across multiple sectors & actors. Seen together, they are best positioned to support a context in 2007 wherein increasing attacks against civil society and the media will pose significant challenges to peacebuilding and media reform. Overarching considerations, such as the existence of emergency regulations and anti-terrorism regulations that essentially gag free speech and media, are important to take note of in drawing up risk assessments and evaluating the impact of initiatives undertaken to support media and civil society in 2007. Noting the central importance of media to a process of peacebuilding, and aware of its role in fostering reconciliation, strengthening democracy and safeguarding human rights, the challenge of 2007 for donors is to fully support NGOs and

media institutions engaged in rights based advocacy, training and awareness raising, through innovative, long-term, programmatic funding aimed at securing professional media, stronger civil society voices and a more vibrant democracy in Sri Lanka.

Endnotes

¹ Media Freedom and Freedom of Expression: Heading for a crisis in Sri Lanka, Note Prepared for the Second Session of the UN Human Rights Council by the Free Media Movement (FMM), Sri Lanka with the support of INFORM Human Rights Documentation Centre, http://freemediasrilanka.org/index.php?action=con_all_full&id=25§ion=news_reports

² The individual cases discussed below were included by Christopher Warren, President of the IFJ, in a written submission to Hon. Keheliya Rambukwella, the Defence Spokesperson of the Government, pursuant to an international mission to Sri Lanka that looked at media freedom in October 2006. A fuller and more detailed account of attacks against the media is found in the report prepared for the Second Session of the UN Human Rights Council by FMM & INFORM (Mission Statement of International Fact-Finding and Advocacy Mission to Sri Lanka, 11 October 2006, http://www.rsf.org/article.php3?id_article=19142)

³ Mission Statement of International Fact-Finding and Advocacy Mission to Sri Lanka, 11 October 2006, http://www.rsf.org/article.php3?id_article=19142

⁴ Mission Statement of International Fact-Finding and Advocacy Mission to Sri Lanka, 11 October 2006, http://www.rsf.org/article.php3?id_article=19142

⁵ <http://www.tamilnet.com/art.html?catid=13&artid=20878>

⁶ <http://www.ifex.org/da/content/view/full/78617>

⁷ Mission Statement of International Fact-Finding and Advocacy Mission to Sri Lanka, 11 October 2006, http://www.rsf.org/article.php3?id_article=19142

⁸ <http://www.tamilnet.com/art.html?catid=13&artid=20202>

⁹ Ibid, http://freemediasrilanka.org/index.php?action=con_all_full&id=25§ion=news_reports

¹⁰ Ibid

¹¹ Sinhala journalist shot dead in Colombo, http://www.freemediasrilanka.org/index.php?action=con_news_full&id=232§ion=news

¹² http://www.freemediasrilanka.org/index.php?action=con_news_full&id=328§ion=news

¹³ http://presidentsl.org/data/html/speeches/2006/address_to_the_nation.htm

¹⁴ Senior Journalists questioned by Police under new Anti-Terrorism Regulations, FMM, http://freemediasrilanka.org/index.php?action=con_news_full&id=401§ion=news

¹⁵ Full report of the Media Reform Forum, FES Sri Lanka, <http://www.fessrilanka.org/pdf/mediareport.pdf>

¹⁶ An Investigation into the Closure of CBNSat and Implications for Sri Lankan Broadcast Media, Ruha Devanesan, Centre for Policy Alternatives, http://www.cpalanka.org/research_papers/CBN_report.pdf

¹⁷ The Sri Lankan government's broadcast stranglehold by Nalaka Gunawardene, published on AsiaMedia, <http://www.asiamedia.ucla.edu/columns.asp?parentid=57939>

¹⁸ Suspension of Raja FM radio channel of Colombo Communication Pvt Ltd with immediate effect http://www.news.lk/index.php?option=com_content&task=view&id=1112&Itemid=51ANIT

¹⁹ Government deplores attempts to curb media freedom in the North and East http://www.news.lk/index.php?option=com_content&task=view&id=1032&Itemid=51

²⁰ The observations and recommendations are noted in this regard, recalling those made by the initial report of the International Fact-Finding and Advocacy Mission to Sri Lanka, a synthesis report by CPA on media reform and the FMM / INFORM report for the Second Session of the UN Human Rights Council Government deplores attempts to curb media freedom in the North and East http://www.news.lk/index.php?option=com_content&task=view&id=1032&Itemid=51; Work in progress – Preliminary observations for synthesis media report, Sanjana Hattotuwa and Radhika Hettiarachchi, Centre for Policy Alternatives, http://www.cpalanka.org/research_papers/Media_Synthesis_Study.pdf

²¹ Ibid

²² Work in progress – Preliminary observations for synthesis media report, Sanjana Hattotuwa and Radhika Hettiarachchi, Centre for Policy Alternatives, http://www.cpalanka.org/research_papers/Media_Synthesis_Study.pdf

²³ Ibid

²⁴ Work in progress – Preliminary observations for synthesis media report, Sanjana Hattotuwa and Radhika Hettiarachchi, Centre for Policy Alternatives, http://www.cpalanka.org/research_papers/Media_Synthesis_Study.pdf