

Mission Statement

International Fact-Finding and Advocacy Mission to Sri Lanka

11 October 2006

The International Mission

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 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.

While the *International Mission* examined the current situation of the Sinhala, Tamil and English language media in Sri Lanka, 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 throughout the country of events in these areas. This also leaves local communities vulnerable to rumours and hate speech, which in turn fuels instability and conflict. In the LTTE controlled areas, media workers are prevented from reporting freely and as a direct consequence press freedom and freedom of expression are severely restricted.

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.

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 in the conflict, and particularly paramilitary and militia groups. Eight media workers 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 little or no action has apparently been taken by the relevant authorities. 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 hate speech. As a consequence, many media workers are in hiding, some for up to six months, while in other cases threats have been made to the families of media workers.

Censorship

The mission found that censorship exists, although it is applied largely through indirect means. The Government in June approved, but has not yet enforced, the reintroduction of state-controlled regulation of the media through the Sri Lanka Press Council and in August the President reportedly told

editors that the military were keen to censor the media. The 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 also been viewed as an attempt to impose censorship whether so intended or not. Furthermore, the willingness of politicians and others to denounce the media reinforces self-censorship and makes the free expression of opinion a life threatening activity.

The decision by the authorities to close satellite television services 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.

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.

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. Legislation on broadcasting in the country fails to provide independence, including editorial independence, and any future public service media should reflect public service values. Although urged to set aside its interests in all media organisations and despite several committee reports reflecting this view, the Government retains control of the Associated Newspapers of Ceylon (also known as ANCL or “Lake House”).

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:

- **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 workers 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 workers 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 Conventions under Common Article 3;
- **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. These investigations must include the murders of Subramaniam Sugirdharajan, Suresh Kumar, Ranjith Kumar, Lakmal de Silva, Mariathas Manojanraj, Sathasivam Baskaran and Sinnathamby Sivamaharajah. All these media workers have been killed in 2006, although there are numerous other cases from recent years that must 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 must be done to ensure that those who attack media workers 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 workers and outlets as per their wishes to ensure that their safety and operations are not affected by threats and attacks, as well as call on media editors and owners to ensure the safety of their media workers to the best of their ability;
- **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;
- **HALT** the dangerous and irresponsible practice of publicly vilifying media workers in a manner likely to endanger their lives and those of their families and invite the authorities, political parties and community leaders to demonstrate a clear and unambiguous rejection of the targeting of media workers and outlets by incitement and hate speech;
- **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;
- **ENABLE** an open, diverse and pluralistic media environment, including the rights of women, in which media workers can report safely and independently in accordance with the Government's obligations to the country's Constitution, the United Nations Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights and all other applicable international standards;
- **REVIEW** Sri Lanka's present legislation, regulations, and powers, particularly the emergency regulations of August 2005, 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 the only appropriate form of regulation for the print media are independent self-regulatory mechanisms;
- **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;
- **URGENTLY** take all necessary steps to turn state-controlled media into broad-based public service media, including community media, and to draft legislation and create procedures that provide for independence and the protection of editorial independence in public service media, including, but not limited to, state broadcasting, Internet sites and the Associated Newspapers of Ceylon (also known as ANCL or "Lake House"), as well as reverse the arbitrary closure of satellite television services.

The *International Mission* praises the efforts of media organisations in promoting and upholding press freedom and freedom of expression, and particularly those organisations hosting the mission including Sri Lanka Press Institute, Working Journalists Association of Sri Lanka, Free Media Movement, Sri Lanka Muslim Media Forum, Tamil Media Alliance and Federation of Media Employees Trade Union.

The *International Media* wishes to emphasise its commitment to the Sri Lankan media and affirms that it will continue to closely monitor attacks and violations on press freedom by all parties. In monitoring the on-going situation, the *International Mission* will raise all attacks and violations at the appropriate national and international fora, as well as continue to support press freedom and to enhance safety for the media on the ground.

Composition of the International Mission

The organisations representing the *International Mission* in Sri Lanka from 9 to 11 October included the International Federation of Journalists, International Media Support, International Press Institute, International News Safety Institute, and United Nations Educational, Scientific and Cultural Organization.

The *International Mission*, in the name of which this statement is being issued, is comprised of international press freedom and media development organisations (including organisations not present on the mission), including:

1. ARTICLE 19
2. FreeVoice
3. International Federation of Journalists (IFJ)
4. International Media Support (IMS)
5. International Press Institute (IPI)
6. International News Safety Institute (INSI)
7. Reporters Without Borders (RSF)
8. South Asia Press Commission (SAPC)
9. United Nations Educational, Scientific and Cultural Organization (UNESCO)
10. World Association of Community Radio Broadcasters (AMARC)
11. World Association of Newspapers (WAN)
12. World Press Freedom Committee (WPFC)

For further information about this statement please contact any of the other international organisations listed above or IMS at: i-m-s@i-m-s.dk (or) +45 3269 8989.