

Statement of the International Press Freedom and Freedom of Expression Mission to Sri Lanka

Return Mission

**International Federation of Journalists
International Media Support
International Press Institute
Reporters Without Borders
South Asia Media Commission**

17 to 23 June 2007

The International Mission found that the pressures on the media have multiplied over the recent months with increasing fears for the safety of journalists, especially those operating in the embattled North and East. In Jaffna peninsula, dozens of journalists have been forced to stop working for fear of their safety.

Despite official commitments given to the Mission in last October, there appears to be a complete lack of progress in the investigations of cases of murdered and attacked journalists. According to our records, no suspect in such attacks has been taken to court since the current President came to office. There have also been numerous verbal attacks against the media, including by Government Ministers, jeopardizing the safety of media workers and their families.

In the LTTE controlled areas freedom of expression and freedom of movement continue to be heavily restricted preventing access to information and the representation of diverse opinions.

The freedom of expression environment is deteriorating, causing widespread self-censorship and undermining the existence of independent sources of information.

Purpose of the Return Mission

During the first mission in October 2006, the International Mission issued a statement and report, "Struggle for survival", calling for:

“...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.”

The purpose of the return Mission was to assess the current Sri Lankan media environment, as well as review the other observations and recommendations contained in the October 2006 statement.

Above all, the Mission reaffirms the support of the international media community to the struggle of their Sri Lankan colleagues for a secure and transparent media environment, which is a vital part of the safeguards for the public right to information.

Observations

Findings Related to Safety

Safety issues are more important than at any stage in the last 18 months and there are numerous examples of journalists being killed, arrested, assaulted, kidnapped, denounced as traitors or receiving death threats. LTTE, security forces and paramilitary groups have all been accused of carrying out such press freedom violations. Once again, it is the Tamil media in the north and east that confront the major part of these problems, although there have been increasing instances in Colombo.

The most recent violations occurred in April when Subash Chandrabose of the Tamil monthly *Nilram* and Selvarajah Rajivarman of the Tamil *Uthayan* newspaper were murdered in Government controlled areas. This brought to eleven, the number of media workers killed since August 2005, apart from another journalist who has been abducted and is still missing.

Members of Government have endangered the lives of media workers by insulting them or applying other invectives. The Health Minister called the media “rabid,” while other Ministers and the Defence Secretary, have insulted and openly threatened media workers.

During the mission in October, we received a commitment from the Government that cases of murdered media workers would be properly investigated with the intention of clearly demonstrating that there is no impunity. However, we saw little to demonstrate that action has been taken, although we welcome the recent appointment of a special police unit to investigate threats and disappearances

Findings Related to Censorship

The increasing hostility of the authorities towards the media and the willingness of individual Ministers to verbally attack journalists for their perceived failings is encouraging a climate of self-censorship, which is damaging the free flow of information in Sri Lanka.

One journalist was held for over 90 days before being released by the courts. The authorities have also arrested a newspaper executive and an editor was fired from a state-owned newspaper..

In Jaffna, the Government has restricted the passage of newsprint and ink to the city’s Tamil media, while blaming this on transport restrictions to the peninsula. Recently the leading Tamil information website, Tamilnet.com, has been blocked by Sri Lanka ISPs.

Restrictions on access to the conflict areas by the security forces and the LTTE make it extremely difficult for the national and international media to report on military operations and the fate of civilians. Moreover, local media workers are restricted in their movements by a discriminatory system of accreditation.

Regarding the Emergency Regulations promulgated in December 2006, the Mission found that these have led to widespread apprehension in the media, because of their over-broad provisions, which seem to criminalise independent news reporting. By extending the scope of criminal liability to executive officers of corporate bodies, the Regulations create multiple internal obstacles to the pursuit of news by media organisations.

The mission encountered instances of the Government using the Inland Revenue authorities to raid media organisations, when there were clearly other means to pursue legitimate

investigations of suspected tax offences. Moreover, in another legal action that seemed to be directed by the Government, the courts froze the bank accounts of the Sinhala *Mawbima* and the *Sunday Standard* newspapers. As a result of the legal action, and the resulting financial constraints, the Standard Newspaper Group closed the two newspapers.

Recommendations

The International Mission strongly believes that the recommendations made in October 2006 remain as valid today as they were half a year ago and it includes them in the present statement (see attached) in the firm hope that it will encourage all parties in Sri Lanka to uphold these recommendations.

As a matter of urgency, this International Mission urges the President and the Government of Sri Lanka to:

- **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 recent murders of Subash Chandrabos and Selvarajah Rajivarman;
- **DEVOTE** its special attention to the safety of media workers in the conflict affected areas, where ten of the eleven murders have occurred;
- **FACILITATE** the presence in Sri Lanka of a civilian United Nations human rights monitoring mission.

In addition, the International Mission calls on the Government, security forces, LTTE, political parties, paramilitary and militia groups, and media community, where applicable, to also offer clear undertakings on the following:

- **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;
- **REFRAIN** from all interference in editorial independence including the use of economic or legal sanctions, such as restrictions on newsprint, the indiscriminate use of search and seizure powers by the tax authorities, or the freezing of assets, to interfere in the publication of a newspaper;
- **CEASE** using informal means, such as the direct call to newsrooms and editorial offices, to influence media coverage and editorial line;
- **DESIST** from 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 language likely to excite hostility;
- **AMEND OR REVOKE** all Sri Lankan legislation, regulations, and powers, particularly the emergency regulations of August 2005 and the Prevention of Terrorism and Specified Terrorist Activities Regulations of December 2006, the

Official Secrets Act, Press Council Laws, and broadcasting laws that fail to meet international standards on press freedom and freedom of expression.

The International Mission wishes to emphasise its commitment to the Sri Lankan media and affirms that it will continue to closely monitor attacks on the media and violations of media 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

Background

In October 2006 a high-level delegation of the International Press Freedom and Freedom of Expression Mission to Sri Lanka, which is comprised of twelve international press freedom and media development organisations, undertook a fact-finding and advocacy mission to Sri Lanka to assess the 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.

The International Mission's findings were set out in the January 2007 report titled, "***Press Freedom and Freedom of Expression in Sri Lanka: Struggle for Survival***", which concluded the media, particularly the Tamil media, was under heavy and sustained attack, with a serious deterioration in the security situation including threats, abductions and attacks committed by all parties to the conflict, and particularly by paramilitary and militia groups.

The International Mission also found restrictions on the free flow of information in the North and East, rendering local communities vulnerable to rumours and language exciting hostility. In addition, the International Mission found that censorship was in force, largely through indirect means.

In order to follow-up on these findings, the International Mission returned to Sri Lanka from 17 to 23 June. The delegation comprised of the International Federation of Journalists, International Media Support, the International Press Institute, the South Asia Media Commission and Reporters Without Borders.

During this Mission, the delegation met with persons and institutions representing a broad spectrum of opinion on the current media, including journalists, editors, media executives, legal experts, Government representatives, human rights commission representatives, religious leaders, members of political parties, the security forces and the international community. Members of the mission travelled to the northern town of Jaffna and the eastern town of Ampara for meetings with media practitioners, security officials and local authorities.

The mission also sought meetings with the President of Sri Lanka, the Inspector-General of Police and Army officials.