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Sri Lanka

Silencing Dissent

1. Introduction

Since the resumption of armed conflict in Sri Lanka in 2006, threats to the media and media freedom have become very serious. There have been reports that at least ten media workers have been the victims of unlawful killings since the beginning of 2006; two have allegedly disappeared in the custody of the security forces; while others have been tortured and arbitrarily detained under emergency regulations (ERs) which grant the government sweeping powers. The right to life of media workers, particularly Tamil journalists, is under severe threat from the security forces and others. In some cases attacks have been carried out by Tamil armed groups apparently acting with the consent of the security forces. These Tamil armed groups include the Eelam People's Democratic Party (EPDP) and the Tamil Makkal Viduthalai Pulikal (TMVP) also referred to as the Karuna faction, an armed breakaway group from the Liberation Tigers of Tamil Eelam (LTTE).¹ For its part, the LTTE, an armed separatist opposition group that has been fighting for an independent state for minority Tamils in the north and east since the 1980s, does not allow any independent local media in the territories it controls, and closely monitors and restricts the work of journalists.

Lack of accountability for the perpetrators of human rights violations remains a serious concern. Despite demands by media associations and others for investigations into the unlawful killings of media workers there has been little progress even when suspects have been identified by reliable witnesses.

While most of the members of the media who have been targeted are from the Tamil community, since 2006 government officials and pro-government Tamil armed groups are increasingly targeting journalists of the majority Sinhalese community who speak out against the conflict and in favour of a political settlement or who criticize the government's policies in other respects. Measures to curb the media include the closure of newspapers; the blocking of a website; arbitrary arrests and detention

¹ In 2004, former LTTE commander Vinayagamoorthy Muralitharan, better known as Karuna Amman, broke away from the LTTE and formed the TMVP in April 2004. The stronghold of the Karuna faction is Batticaloa District. There have been allegations of links between the Karuna faction and government security forces by a number of groups including Human Rights Watch and Allan Rock, a senior UN official. Since around October 2007 the faction led by Trincomalee leader, Pillayan, has become more dominant following the departure of Karuna Amman from Sri Lanka and his subsequent arrest in London on 2 November 2007.

under the ERs; censorship and intimidation. These measures are also increasingly aimed at artists, including filmmakers.

Amnesty International is concerned that these measures breach Sri Lanka's obligations, particularly under the International Covenant on Civil and Political Rights (ICCPR), to which it is a state party, to respect and protect the freedom to seek, receive and impart information and ideas of all kinds. The restrictions placed on freedom of expression in Sri Lanka far exceed those which may legitimately be imposed for reasons such as national security. Violations of journalists' right to life and freedom from torture and ill-treatment can never be justified in the name of national security and constitute violations of Sri Lanka's obligations under international law.

To date, Amnesty International is unaware of any investigation that has led to those believed responsible for human rights violations against journalists and other media workers being brought to justice. This includes killings dating back to 1990. Amnesty International is deeply concerned that those who target and even kill journalists have enjoyed impunity for years.

The Government of Sri Lanka must bring to an end the harassment, intimidation, excessive restrictions and attacks on the media; in particular it must urgently ensure that all human rights violations against journalists are independently, impartially and effectively investigated, and that those responsible for them are brought to justice.

The first part of this report sets out international standards and the domestic legal framework in respect of freedom of expression. It then documents the killings and other human rights violations against journalists and other media personnel reported in the last two years. Despite four requests, Amnesty International has not been granted permission by the Sri Lankan government to visit the country on a research mission since January 2007. This report is therefore written on the basis of secondary sources supplemented by information gathered from abroad, either via telephone calls or emails or during interviews with media personnel travelling outside Sri Lanka. There are some sections of the report that are not fully developed due to lack of verification on the ground. For example, to develop the section on LTTE abuses, Amnesty International would like to assess the ground situation in areas under LTTE control and raise its concerns about LTTE abuses directly with the LTTE leadership in Kilinochchi District.

The second part summarizes increasing attacks on freedom of expression outside of the immediate context of the conflict. In conclusion the report makes a number of recommendations. The authorities should respect, protect and fulfil the right to freedom of opinion and expression, in compliance with Sri Lanka's obligations under the ICCPR and other treaties

and standards. In addition, Amnesty International calls on the authorities to fulfil their obligation to conduct immediate and impartial investigations into all human rights violations against media personnel. The Constitution should specify that emergency powers may only be used in exceptional circumstances as defined under international human rights law. The definition of terrorism in the 2006 ERs needs to be clarified so that it is not misused to arbitrarily restrict freedom of expression. Amnesty International shared a draft of this report with the government but as of 16 January 2008 had received no comments. The organization looks forward to initiating a constructive discussion with the Government of Sri Lanka on the implementation of the recommendations of this report.

2. Background

Protracted conflict in Sri Lanka has seen widespread human rights violations and the deaths of over 70,000 people.² As a result of fighting between the LTTE and government security forces since April 2006 there are over 200,000 internally displaced persons (IDPs).³ A serious concern is that a pattern of widespread enforced disappearances has returned. Since 2006 the Human Rights Commission of Sri Lanka (HRCSL) has recorded several hundreds of cases of enforced disappearances.⁴ The victims in the recent conflict are mostly minority Tamils living in the Tamil dominated north and east of the country.⁵

² The dynamics of conflict in Sri Lanka are complex. There have been two youth insurgencies led by Leftist Sinhalese youths (1971; 1988-89) as well as a protracted conflict between the Sri Lankan government and the LTTE. Analysing this complexity is not the focus of this report but forms a volatile backdrop against which many human rights violations have occurred. It is difficult to give an accurate figure for those killed in conflict due to the absence of credible and updated public census records. A range of analysts maintain that at least 70,000 have been killed since the early 1980s. Tens of thousands of people have disappeared over the years, many of these victims include Sinhalese youths, the victims of conflict between the insurrectionist *Janatha Vimukthi Peramuna* (People's Liberation Front, JVP) and the state in the late 1980s.

³ 'IDPs and Returnees Trends by District', 31 October 2007, UN Office for Coordination of Humanitarian Affairs, Colombo. This figure relates to recent conflict affected IDPs. There is also a sizeable long-term population of IDPs including Muslim IDPs in Puttalam who have been displaced since 1990.

⁴ Amnesty International, *Sri Lanka: A crucial opportunity to end enforced disappearance*, AI Index: IOR 51/055/2007, 30 August 2007.

⁵ According to a group of local organizations the largest proportion of people killed in the first six months of 2007, were Tamil – 70.7% across the island, as compared with 9.1% Sinhalese and 5.9% Muslims. The Law & Society Trust, Colombo, in collaboration with local partners in Sri Lanka including the Civil Monitoring Commission and the Free Media Movement (FMM), has compiled a working document listing 547 persons killed and 396 persons disappeared during the period January to June 2007. Report published 23 August 2007.

In the pursuit of a negotiated solution to the conflict, the Government and the LTTE signed a Ceasefire Agreement (CFA) on 22 February 2002. The CFA committed the government and the LTTE to accept on site monitoring of the agreement by the Sri Lankan Monitoring Mission (SLMM).⁶ Following the Agreement, violence was considerably reduced. The main road connecting the north and South, the A9, was re-opened allowing individuals and civil society groups from the South to visit war torn areas of the north. The state television channel *Rupavahini* opened transmission to the north after a gap of 15 years. Sporadic fighting continued after the CFA. The SLMM has recorded a number of violations by both parties but in particular by the LTTE.⁷

In November 2005, Mahinda Rajapaksa was elected as President of Sri Lanka.⁸ The President's election campaign was supported by the Sinhala nationalist JVP Party and the nationalist party representing some Buddhist monks the *Jathika Hela Urumaya* (JHU). President Rajapaksa campaigned on a platform promising tough action against the LTTE.

Since late 2005 Sri Lanka has witnessed an escalation in violence, especially in the north and east. At the end of 2005 the LTTE targeted Sri Lankan security forces in claymore mine attacks in the north and east. Although the government and the LTTE met in February 2006 to discuss the implementation of the CFA, a further meeting scheduled for April that year did not take place. While neither side had formally declared an end to the CFA by the middle of 2006, it had effectively been abandoned and was officially suspended on the 16 January 2008.

President Rajapaksa has appointed his three brothers to manage key government posts including the Defence Ministry under Gotabhaya Rajapaksa; Basil Rajapaksa as Senior Advisor to the President⁹ and Chamal Rajapaksa as Minister for Irrigation and Water Management. The military budget increased substantially from 108.67 billion rupees in 2006 to 129 billion rupees (US\$1.159 billion) in 2007.

⁶ The SLMM had a headquarters in Colombo, a liaison office in Kilinochchi and offices in six other districts (Jaffna, Trincomalee, Batticaloa, Ampara, Mannar and Vavuniya). After the EU listed the LTTE a 'terrorist' organization in May 2006, the LTTE asked SLMM monitors from EU countries to leave saying their impartiality would be questionable. From 1 September 2006 the SLMM functioned with reduced numbers with around 20 staff members from Iceland or Norway compared to its original strength of 56. In a new development the ceasefire officially ended on 16 January 2008 and the SLMM monitors will now withdraw.

⁷ Information on violations recorded during the ceasefire is available on the SLMM website, at <http://www.slmm.lk/>. However information regarding current violations is not available.

⁸ President Rajapaksa is leader of the Sri Lanka Freedom Party (SLFP). The SLFP is part of a coalition government called the United People's Freedom Alliance (UPFA) which has been in office since April 2004.

⁹ Basil Rajapaksa is also an MP from the National List.

On 12 April 2006, a bomb attack allegedly by the LTTE at a public market in Trincomalee left five people dead, including a child. Following the attack, more than 20 civilians were killed in communal violence and thousands forcibly displaced in apparent reprisal attacks by members of the Sinhalese community.¹⁰ A defining moment in the escalation of conflict was the failed suicide bomb attempt, by the LTTE, on the Sri Lankan Army Commander General Sarath Fonseka on 25 April 2006. The government, in response to the assassination attempt, immediately launched a major air and artillery offensive on LTTE positions in the Trincomalee District. As hostilities resumed severe restrictions were imposed on journalists reporting from the north and east of the country.

Restrictions on freedom of expression through both formal and informal measures have been regularly imposed for many years in Sri Lanka. The state has used national security as a reason to impose wide-ranging and vague restrictions on freedom of expression in law or through ERs. The LTTE for its part has completely stifled dissent in areas under its control.

Following a recent mission to Sri Lanka in early October 2007, United Nations Commissioner for Human Rights Louise Arbour noted that:

*"The most serious human rights issue is the lack of credible public information on the large number of unresolved cases of abductions, disappearances and killings... These cases are not properly recorded, investigated and there is no prosecution."*¹¹

Given the scale and nature of human rights violations by all parties to the conflict in Sri Lanka it is vital that freedom of expression is protected so that reliable information can be made available to the public.

¹⁰" Sri Lanka: Amnesty International calls for respect for human rights in escalation of violence." (AI Index: ASA 37/012/2006), 26 April 2006, <http://web.amnesty.org/library/Index/ENGASA370122006?open&of=ENG-333>.

¹¹Press statement by High Commissioner for Human Rights on Conclusion of her visit to Sri Lanka, 13 October 2007, <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/2C07EE5600DE5B19C12573750034C474?opendocument>.

3. Freedom of Expression: International Standards

The right to freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights:

“Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Article 19 of the ICCPR, similarly provides for the right to freedom of opinion:

“1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.”

3.1 Restrictions on Freedom of Expression

Article 19 clearly sets out the right of states to place restrictions on the right to freedom of expression. Any restrictions must meet all three of the following criteria:

they must be provided by law. This means that the law must be accessible and “formulated” with sufficient precision to enable the citizen to regulate his/her conduct.

they can only be imposed for one of the three legitimate aims listed in Article 19(3).

they have to be necessary to secure that aim, which entails that the restrictions have to be proportional. No greater restrictions can be imposed than necessary to achieve the aim.

The UN Human Rights Committee has emphasised that “when a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself.”¹² In other words, no restrictions may be placed to prevent individuals or the media expressing opinions or providing information simply because it inconveniences a government, harms it politically or puts it in a negative light. Specifically, national security reasons cannot be a justification for imposing sweeping vague restrictions to be imposed. In times of armed conflict, therefore, governments cannot place a blanket prohibition on the publication of security-related information.

International human rights law does recognise that during emergencies, States may need to derogate from rights for the greater common good. In recognition of this, Article 4 of the ICCPR provides for emergency derogations. However, any limitations must remain within strictly defined parameters. Article 4 also places a number of conditions, both substantive and procedural, on the imposition of emergency derogations.

Article 4 of the ICCPR clearly states that derogations may only limit rights to the extent strictly required and may never be applied on a discriminatory basis and that no derogation is possible from certain key rights, including the rights to life, to be free of torture and slavery, not to be tried or sentenced for something which was not a crime at the time of commission, to recognition as a person before the law, and to freedom of thought, conscience and religion.

The *Johannesburg Principles*¹³ highlight the prevailing standards for withholding information on the basis of national security. Principle 12 notes:

“A state may not categorically deny access to all information related to national security, but must designate in law only those specific and narrow categories of information that it is necessary to withhold in order to protect a legitimate national interest.”

The government, in protecting legitimate interests, can restrict freedom of expression but must only do so on the basis of the three criteria set out above. Vague or broadly defined restrictions, even if they satisfy the “provided by law” criterion, will generally be unacceptable because they go

¹² Human Rights Committee, General Comment No. 10: Freedom of expression (Art. 19), 29 June 1983, para. 4.

¹³ The Johannesburg Principles on National Security, Freedom of Expression and Access to Information were adopted on 1 October 1995 in Johannesburg, South Africa by a group of experts in international law, national security and human rights convened by Article 19, the International Centre against Censorship, in collaboration with the Centre for Applied Legal Studies of the University of Witwatersrand.

beyond what is strictly required to protect the State's legitimate interest. Amnesty International has repeatedly expressed concern over vague provisions of the ERs that are open to be interpreted beyond legitimate interest.

In 2003 the Human Rights Committee expressed concern "about persistent reports that media personnel and journalists face harassment, and that the majority of allegations of violations of freedom of expression have been ignored or rejected" by the Sri Lankan authorities. The Committee recommended that:

*"The State party should take appropriate steps to prevent all cases of harassment of media personnel and journalists, and ensure that such cases are investigated promptly, thoroughly and impartially, and that those found responsible are prosecuted."*¹⁴

Amnesty International is concerned that no such steps have been taken, and four years after the Human Rights Committee issued its conclusions and recommendations, the situation has further deteriorated.

3.2 Sri Lankan Legal Framework

Sri Lanka's Constitution provides for freedom of expression. Article 14(1)(a) provides that:

"Every citizen is entitled to the freedom of speech and expression including publication."

Article 15 provides for a variety of restrictions on "fundamental rights," including the right to freedom of expression in Article 14(1)(a). Article 15(2) provides that this right:

"... shall be subject to such restrictions as may be prescribed by law in the interests of racial and religious harmony or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offence."

Article 15(7) provides that, in addition, this right:

"... shall be subject to such restrictions as may be prescribed by law in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society. For the purposes of this paragraph "law" includes regulations made under the law for the time being relating to public security."

¹⁴ Concluding observations of the Human Rights Committee: Sri Lanka, UN Doc. CCPR/CO/79/LKA, 1 December 2003, para. 18.

This framework leaves wide discretion for the government to impose restrictions in law or through “regulations made under the law for the time being relating to public security” that have been used repeatedly throughout the conflict to place severe restrictions on the media in the name of national security.

3.3 Emergency Regulations (ERs)

Various emergency laws have been in force in Sri Lanka during most of the two and a half decades’ long internal armed conflict. Under Article 155 of the Constitution, the President is authorised to issue emergency regulations “amending or suspending the operation of the provisions of any law, except the provisions of the Constitution.” Article 155 of the Constitution also renders the Security Ordinance No 25 of 1947 (PSO)¹⁵- originally promulgated by the British colonial authorities - part of Sri Lankan law. Section 5 of the PSO empowers the Executive, among other things, to issue emergency regulations which may:

- authorise detention without charge or trial;¹⁶
- authorise entry, search and seizure of property;
- amend any law (other than the Constitution) or suspend its operation;
- create special courts to prosecute offenders, including under the ERs themselves.

In addition, the Executive may exempt officials acting under the act “in good faith” from criminal prosecution or civil suits.¹⁷

The ERs were allowed to lapse during the ceasefire but were re-introduced by then President Chandrika Kumaratunge Bandaranaike on 13 August 2005, after the assassination of Foreign Minister Lakshman Kadirgamar.¹⁸ The ERs are renewed monthly by a vote in Parliament and have been in force continuously since.

The 2005 regulations bring into effect the full emergency powers granted under the PSO, as described above. Many Tamils have reportedly been arrested under the regulations during cordon and search operations. In one search operation called “Strangers Night II” in December 2005 1,000

¹⁵ Public Security Ordinance No. 25 of 1947 (PSO), 16 June 1947.

¹⁶ PSO, Section. 18.

¹⁷ Sections 9 and 23.

¹⁸ The Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, published in *Gazette Extraordinary* No. 1405/14 of August 13, 2005.

people were arrested.¹⁹ Provision 20 of the 2005 ERs gives any member of the security forces of any rank the official power to arrest suspects. In addition, Amnesty International is concerned that the government is using section 9(1) of the Prevention of Terrorism Act (PTA), which allows the Executive to detain persons without charge or trial for up to 18 months. Although a moratorium was placed on the use of the PTA at the outset of the ceasefire agreement it is reported that the PTA has been invoked in a number of cases of detention of media workers.

Under the ERs there is no requirement to publish the place of detention where suspects are being held, but Presidential Directives issued in July 2006 calls for the arrested person to "be afforded reasonable means of communicating with a relative or friend to enable his whereabouts being known to his family", for the Sri Lankan Human Rights Commission to be informed of the arrest and the place of detention in each case within 48 hours, and for Commission members to visit those arrested.²⁰ An advisory panel of human rights experts tasked with advising the Sri Lanka government resigned in October 2007. They stated that the authorities were failing to implement "at least the minimum safeguards" to protect human rights and that the Sri Lanka police were failing to implement the Presidential Directives of July 2006 that aim to place safeguards on arbitrary arrests.²¹

One of the panellists, Dr. Rohan Edirisinghe comments:

*"We were not achieving anything.....We served the committee for one and half years, the human rights situation is getting worse."*²²

Amnesty International is concerned that successive Sri Lankan governments have for many years used the PSO to promulgate ordinances and regulations granting the Executive excessive powers. The organization has repeatedly called on governments throughout the world not to abandon their human rights obligations in the name of national security. In particular, the right of every person to freedom from arbitrary detention and the right of suspects to be heard in a regular court in proceedings which meet

¹⁹18 BBC News 'Hundreds Detained In Sri Lanka', 31 December 2005, http://news.bbc.co.uk/1/hi/world/south_asia/4571270.stm

²⁰ Directives given by H.E President, 5 July 2006, <http://www.peaceinsrilanka.org/peace2005/Insidepage/PressRelease/GOSLreleases/MediaRe1050706.asp>, sections 3(4), 6(ii) and 6(i), respectively.

²¹ "Police 'ignore' Presidential decree", http://www.bbc.co.uk/sinhala/news/story/2007/10/071012_panel_resignation.shtml

²²The panel of human rights experts included; Sunila Abeysekera; Dr Rohan Edirisinghe; Nimalika Fernando and Pakiasothy Saravanamuttu. See, "Sri Lanka rights advisors quit panel in protest", http://uk.reuters.com/article/homepageCrisis/idUKCOL192494._CH_.242020071015.

international standards of fairness must be respected and protected at all times. Those who are suspected of human rights violations must be prosecuted, in fair procedures, otherwise protection from further human rights violations may be seriously weakened, and victims would have little prospect of reparations.

It is clear beyond concerns about the nature of legislation, that the security forces are using the general threat of their wide ranging powers under the ERs to intimidate people. Amnesty International has raised concerns, for example, about the mass arrests of Tamils in Colombo on 2 December 2007.²³

3.4 Emergency Regulation (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) No. 7 of 2006

In addition to the ERs 2005, President Mahinda Rajapaksa promulgated a set of amendments to the existing ERs on 6 December 2006. These additional regulations were a response to an assassination attempt on Defence Secretary Gotabhaya Rajapaksa.

Amnesty International is concerned that the 2006 ERs introduce broad-based and vaguely defined “terrorism” offences which, among other things, have been used to silence critical media and generally violate freedom of expression in Sri Lanka.

For example Regulation 6 criminalises, not only “terrorism”, “any specified Terrorist activity,” but also “any other activity in furtherance of any act of terrorism or specified terrorist activity committed by any person, group or groups of persons.” Regulation 7 provides, among other things, that:

“No person shall... promote, encourage, support, advice, assist, act on behalf of; or organize or take part in any activity or event of, any person, group, groups of persons or an organization which acts in contravention of regulation 6 of these regulations.”

Regulation 8 criminalises “any transaction in any manner whatsoever”, with individuals or groups “which act[s] in contravention of regulations 6 and 7 of these regulations.” These provisions are vaguely worded, and therefore may be interpreted as criminalising a wide range of activities, including media investigations and reporting. In addition, the

²³ ‘Sri Lanka: Amnesty International condemns mass arrests’, **4 December 2007**, <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-amnesty-international-condemns-mass-arrests-20071204>

provisions do not stipulate, for instance, that such “furtherance”; “assist[ance] for a “person... which” is engaged or such “furtherance”; or “transactions” are entered into intentionally or knowingly. Persons engaged in activities that they reasonably consider as being lawful, including receiving or imparting information, may therefore be prosecuted for “terrorism”-related offences.

The 2006 ERs have had an impact on the media. Journalists raise concerns that they engage in self-censorship due to the broad definition of terrorism. For instance, the 2006 ERs have been invoked to search the property of Young Asia TV in early 2007 and the security forces have questioned journalists and sometimes their family members at home citing the powers to search property under the ERs in the interest of national security.²⁴

²⁴ Examples of this are cited in a letter from the British High Commission in Colombo to the Home Office in London, see Foreign & Commonwealth Office/Information from British High Commission, Colombo, Letter dated 10 April 2007, cited in the Country of Origin Information Report of the Home Office, http://www.homeoffice.gov.uk/rds/pdfs06/sri_lanka_021106.doc.

4. Human Rights Violations against journalists and other media workers in the context of the conflict

4.1 Unlawful killings of journalists and other media workers

Since the beginning of 2006 10 media workers have been killed, most from the Tamil media community. Journalists, as a group who are on the frontline of reporting human rights violations in the context of the conflict, increasingly fear for their safety. Over 10 journalists have left the country since the beginning of 2006 in search of safety.²⁵

Journalists from the north and east are highly vulnerable especially those in Jaffna. The pattern of human rights violations against them is sometimes linked to their actual or envisaged reporting on human rights in the area. Other journalists who are vulnerable are those who report on corruption issues and those who criticise the Government for opting for a military solution to the conflict.

Unlawful killing of journalist Subramaniyam Sugirdharajan

Subramaniyam Sugirdharajan, a Trincomalee port employee and a journalist, was reportedly shot and killed by unidentified men riding motorcycles at approximately 6am on 24 January 2006. Subramaniyam Sugirdharajan had published photographs and news reports critical of the army and the Karuna faction in the Tamil newspaper *Sudar Oli*. His photographs of five male Tamil students killed in Trincomalee on 2 January 2006 had helped contest original official reports that they had been killed in a grenade explosion.



Subramaniyam Sugirdharajan ©

A group of students from Sri Koneswara Hindu College and St. Joseph's College in Trincomalee had gathered for a chat at about 7pm on 2 January 2006 near the seafront, when a grenade was thrown at them from a passing auto rickshaw. The students ran, but at least three of them were injured in the explosion. A short while later a group of 10 to 15 officers in uniform believed to be police from the elite Special Task Force (STF) arrived. They put the injured students into their jeep and beat them with rifle butts,

²⁵ Journalist Interview. Journalist No.11.

and then pushed them out onto the road. According to a witness the security forces personnel then shot five students dead, including Ragihar Manoharan.²⁶

On 2 January 2006 BBC Sinhala Service reported on the *Sandeshaya* radio programme that five young Tamils had allegedly been killed in a blast in the eastern town of Trincomalee. "The Sri Lankan Defence Ministry said the students were suspected rebels planning an attack and the grenade they were carrying exploded prematurely causing the deaths."²⁷ However a spokesperson for the SLMM, told the *Sandeshaya* programme that "there was evidence that all five of the students had been shot in the head in a manner that she described as resembling executions."²⁸

Following the killing of the students, the security forces did not allow the public to see the bodies and took them directly to the Trincomalee hospital. While military spokesmen maintained that the students were killed by their own grenade in a failed attack on the army, *Sudar Oli* and other Tamil media reported that the men had died of gunshot wounds. Subramaniyam Sugirdharajan managed to visit the morgue where the bodies of the students were held and documented gunshot injuries to the back of their heads. The photographs of this received wide coverage in Tamil-language print and internet media and were instrumental in ensuring a full post-mortem was carried out, after which Brigadier Prasad Samarasinghe confirmed that there were also gunshot injuries. The testimony given by a Junior Medical Officer, Dr. Gamini Gunatunge, in Trincomalee magistrate's court on 17 January 2006 confirmed that the deaths were due to bullet injuries.²⁹

After increasing domestic and international condemnation, the President set up a Commission of Inquiry in September 2006 to investigate this case and 15 other incidents. The killing of Subramaniyam Sugirdharajan does not feature among these.

Dr. Manoharan, the father of one of the students killed on 2 January 2006 subsequently left the country due to fears for his safety.

The lack of credible information about who was responsible for the unlawful killing of Subramaniyam Sugirdharajan adds more urgency to the need for an independent and impartial investigation.

²⁶ "Dr Kasippillai Manoharan, medical doctor", UA 114/06, AI Index: ASA 37/013/2006, 3 May 2006.

²⁷ 'Inquiry called for student killing', BBC Sinhala 3 January 2006, http://www.bbc.co.uk/sinhala/news/story/2006/01/060103_trincomalee_shooting.shtml.

²⁸ BBC Sinhala 3 January 2006, *ibid*.

²⁹ UTHR (J) Special Report No. 24, *ibid*.

Jaffna media community under threat

Jaffna has been isolated from the rest of the country since the closure of the A9 road linking the north to the south on 11 August 2006. Lack of transport links has affected food supplies to over 500,000 people in the peninsula. The area is heavily militarised with the Sri Lankan Army (SLA) operating multiple checkpoints and maintaining an overnight curfew. Cordon and search operations are common in which mainly Tamil men, as well as women, are rounded up, their identity cards confiscated, and many of them are then detained and taken to army camps for “checking”. Many detainees are allegedly tortured while in custody. The Jaffna office of the HRCSL has recorded several cases of torture in army camps since 2006. The number of reports of unlawful killings and disappearances continues to escalate. According to the Jaffna branch of the HRCSL, 900 civilians were reported missing and considered victims of enforced disappearances between December 2005 and September 2007.

The fact that many of these incidents are taking place inside high security zones and during curfew hours suggests that at least some of these killings may have been committed by people working with or with the consent of the security forces, in particular the Sri Lanka Army, since it has primary operational responsibility for security in the area. A reliable source and regular visitor to the area reports that, “every night people are taken and killed...there is no investigation no process of law in the peninsula”.³⁰

During her October 2007 visit to Jaffna, Louise Arbour, UN High Commissioner for Human Rights raised her concerns at human rights violations such as enforced disappearances. There are reports that disappearances in the north and east are part of a systematic counter insurgency strategy by the government to rout out LTTE sympathisers. One analyst points out that hundreds of alleged LTTE sympathisers or supporters have been killed, particularly in Jaffna since the first quarter of 2006.³¹ A number of reports highlight concerns that EPDP, which is part of the country’s coalition government, and which has an armed wing, plays a key role in human rights violations in the peninsula.³² A number of families of the disappeared have raised concerns that the EPDP are involved with some of the disappearances taking place. During the ceasefire intelligence officers and

³⁰ Amnesty International has been able to register general patterns of insecurity and fear from talking to visitors to the peninsula such as religious leaders and aid workers.

³¹ D.B.S. Jeyaraj, “An Overview of the Enforced Disappearances Phenomenon”, 13 April 2007, at www.transcurrents.com.

³² The Allaipiddy massacre case, for example, has raised questions about EPDP involvement along with the Sri Lankan Navy. The massacre took place on Kayts Island which is connected to the Jaffna peninsula and is under EPDP control. Eight persons including a six-month old infant were killed at Allaipiddy on Kayts Island on 13 May 2006. This case is one of the 16 cases under investigation by the 2006 Commission of Inquiry.

members of the EPDP are reported to have videotaped community festival programs, when the LTTE was able to operate openly, and systematically targeted persons in attendance at parades or demonstrations. (It is thought that many of the people who attended these events were forced by the LTTE to attend so their presence did not necessarily signify affiliation.)

Some families of victims report that masked men who arrive at night speak good Jaffna Tamil, a dialect that would be difficult for the Sinhala-speaking security forces to master. EPDP cadres are also accused of acting as messengers between victims' families, the victim and the SLA. There are allegations that EPDP cadres have received payment to act as such messengers. Given the climate of fear in the peninsula, the fact that many families are scared to come forward, and the lack of both access and security for outside media to conduct investigations, these reports are difficult to substantiate. Amnesty International urges the government to conduct an inquiry into these allegations.

In this context, the media in the north plays a particularly important role in reporting on human rights abuses. Journalists and media workers have frequently suffered intimidation and several have been killed. Since the murder of Mylvagaman Nimalarajan (a contributor to the BBC) in October 2000 (see p35) it is increasingly difficult to find independent media reports. The BBC no longer has a reporter in Jaffna as "no one will take over the job of reporting incidents happening in the peninsula."³³

The *Uthayan* (Dawn), a Jaffna-based daily newspaper has come under severe attack.³⁴ The reason for targeting *Uthayan* is reportedly politically motivated and linked to the paper's alleged Tamil nationalist stance. Seven media workers have been killed in Jaffna since the beginning of May 2006, four of these working with *Uthayan*. The *Uthayan* office was attacked on 2 May 2006 by gunmen who came on motorcycles and, in the absence of the journalists they were apparently looking for, killed two members of the support staff, Suresh Kumar and Rajiv Kumar. The Editor of *Uthayan* states that, "publishing our daily newspaper in Jaffna is an increasingly Herculean and dangerous task with armed gunmen who continuously threaten our work and our lives."³⁵ Given the targeting of *Uthayan* staff at least 60 members of staff were not reporting to work in November 2007 out of fear. One journalist from *Uthayan* has reportedly not left the newspaper's office for 13 months for fear he may be killed.³⁶

³³ Journalist interview. Interview 2.

³⁴ The *Uthayan* is a Tamil daily that was published in Jaffna from 1986 onwards. Its sister paper *Sudar Oli* is published from Colombo since 2000.

³⁵ Letter from *Uthayan* newspaper, "Flight of *Uthayan* Journalists", 21 March 2007. Published on Sri Lanka FMM website.

The University Teachers for Human Rights, Jaffna (UTHR-J) in Special Report No. 21 named the EPDP as the principal suspect in the attack on the *Uthayan* newspaper on 2 May 2006:

*"The fact that the army sentry at Sivankovil opened fire and injured two persons on a motorcycle on a slightly circuitous route from the Uthayan to the EPDP office just after the attack, was the source of this suspicion. A good source later confirmed this suspicion, adding that the injured were two EPDP cadres. One was according to this source, mildly injured and the other was being treated for his injuries even two months later."*³⁷

According to reports, the police took the named EPDP suspect in for questioning but soon released him with no further investigation. In Jaffna, the International Crisis Group reports that the unlawful killings seem to be the work of:

*"'Hybrid groups', which comprise military intelligence cadres with Tamil militants, some of whom may be from the EPDP. Other sources suggest these are former, but no longer active, members of the EPDP now working closely with the military... Either way, there is little doubt the security services are actively involved in these extra-judicial killings."*³⁸

There have been reports of several other killings of journalists in Jaffna, though it has not been possible for Amnesty International to ascertain further details or information about the perpetrators in these cases. The fact that there is a lack of independent sources capable of verifying violations reported from the peninsula is a serious concern given the scale of human rights violations alleged to be taking place there.

On 29 April 2007 **Selvaraja Rajivaram**, a young *Uthayan* journalist was shot dead near the newspaper's office in Jaffna.³⁹ Selvaraja Rajivaram had been investigating reports of disappearances. His reports included coverage of the HRCSL's work in Jaffna and news from the Jaffna teaching hospital.

On 16 August 2006 **Sathasivam Baskaran**, a delivery man at *Uthayan* newspaper, was reportedly shot dead by unknown gunmen when

³⁶ Report by the International Press Freedom Mission to Sri Lanka 'Jaffna's media in the grip of terror', 24 August 2007, www.rsf.org/article.php3?id_article=23380.

³⁷ See Bulletins No.42, 43 and Supplement to Special Report of 23 October 2006, University Teachers for Human Rights (Jaffna) Sri Lanka, UTHR(J).

³⁸ 'Sri Lanka's Human Rights Crisis', International Crisis Group Asia Report N°135, 14 June 2007, p10.

³⁹ See the Committee to Protect Journalists Reports, <http://www.cpj.org/news/2007/asia/sri20apr07na.html>.

he was in a clearly marked *Uthayan* delivery vehicle after taking advantage of the temporary lifting of a curfew to deliver copies of the newspaper in an area controlled by the Sri Lankan armed forces.

On 21 August 2006 **Sinnathamby Sivamarajah**, managing director of the Jaffna based Tamil-language *Namthu Eelanadu* newspaper and former member of Parliament was shot dead outside his house in the Jaffna peninsula. Sivamarajah's house is inside a high security zone controlled by the Sri Lankan military suggesting that the perpetrators were able to move with the consent of the security forces.⁴⁰

Sahathevan Deluxshan, 22, a media student at Jaffna University Media Research and Training Centre and a part-time journalist, was shot dead by unidentified men on 2 August 2007 in Jaffna town.

Media workers in Jaffna are vulnerable because they are required to obtain various passes from the military and, like other residents of Jaffna, need a military permit to leave the peninsula. At a conference of South Asian media in September 2007 organised in Colombo, the Indian magazine *Frontline* reported that:

*"The delegates from Jaffna had arrived on "travel permits" issued by the military, after getting the green signal from several agencies that they do not pose a threat to the security of the state. The permits were valid for a period of 10 days and were to be surrendered to the military authorities concerned in Jaffna on their return. It took the journalist over a week to get the clearance from the defence authorities though he was in possession of a national identity card, Government of Sri Lanka press accreditation tag and a separate identity issued by the local military authorities in Jaffna."*⁴¹

Unlawful killings in Colombo and Vavuniya

There has been one reported killing of a Sinhalese journalist in Colombo since the beginning of 2006.

Sampath Lakmal de Silva, a freelance Sinhalese journalist specialising in defence issues, was reportedly shot dead by unknown gunmen on 2 July 2006. He was found dead three kilometres from his home in Dehiwela, Colombo after going out to meet an unidentified person who had called him. At the time of his death he was covering the conflict between the government and the LTTE for the weekly *Sathdina*. Two Sri Lanka army personnel including a lieutenant and an intelligence officer were

⁴⁰ See 'Escalating violence against the media' in the report by the International Press Freedom Mission to Sri Lanka 'Jaffna's media in the grip of terror', 24 August 2007, www.rsf.org/article.php3?id_article=23380.

⁴¹ 'Muffled media', B. Muralidhar Reddy, *Frontline*, Volume 24 - Issue 18: Sep. 08-21, 2007.

among those initially arrested by the Dehiwela Police. However, later on, the police investigation stalled allegedly under pressure from the army.

In August 2007, Lakmal de Silva's mother Rupa de Silva, complained that an unidentified person, posing as a CID officer, had threatened her with death.⁴² To Amnesty International's knowledge, the investigation into the killing of Sampath Lakmal de Silva remains stalled.

There has been one reported killing of a Tamil journalist in Vavuniya town.

Subash Chandraboas (or Chandrabose), 32, male, a poet and editor of the handwritten Tamil monthly *Nilam (The Ground)*, was reportedly gunned down by unidentified gunmen at his residence in Vavuniya on 16 April 2007. Subash Chandraboas was also a free-lance correspondent for the London-based magazine *Tamil World*.

4.2 Enforced Disappearances of journalists

There have been two cases of enforced disappearances of journalists in Jaffna. Amnesty International is monitoring these cases closely.

Subramaniam Ramachandran has been missing since 15 February 2007. Ramachandran, 37, had been working as the Vadamarachchi reporter for Tamil language dailies *Yal Thinakkural* and *Valampuri* since 2001. Reporters without Borders notes, "he went missing after a report implicating a businessman and military officers in illegal trafficking of sand."⁴³ It was reported that he was being held in a military camp in the north of the island but it is increasingly presumed that he may have died in custody and that his body was disposed of in secret.

Vadivel Nirmalarajan, a proofreader with the *Uthayan* newspaper has been reported missing since 17 November 2007. Amnesty International is concerned that he is a victim of an enforced disappearance. According to Reporters Without Borders, "it is thought he was abducted by members of the EPDP near the Navalar Road railway as he was cycling home after a night shift as copy editor at the newspaper".⁴⁴ His family have filed a complaint at the HRCSL in Jaffna.

⁴² 'Slain Journalist's mother allegedly threatened with death', *Daily Mirror* news online, 7 August 2007, <http://www.dailymirror.lk/2007/08/07/news.asp>.

⁴³ 'Army said to be holding Tamil journalist who went missing five weeks ago', 23 March 2007, http://www.rsf.org/print.php3?id_article=21420.

⁴⁴ 'Proof Reader Missing in Jaffna', RSF Press Release, 22 November 2007, http://www.rsf.org/article.php3?id_article=24490.

4.3 Arrests of journalists

Journalists from all communities have been arrested in connection with articles critical of Government policies in relation to the conflict or more widely.

On 21 November 2006 **Parameshwari Munusamy**, a Tamil woman journalist with the Sinhalese newspaper *Mawbima*, was arrested by Special Task Force (STF) personnel and was detained at the 'Terrorist Investigation Division' (TID) headquarters under the ERs on suspicion of having links with the LTTE.⁴⁵ At the time of her arrest Parameshwari Munusamy was not told details of the grounds and legal basis she was held under. Detained without charge for four months, she was released on 22 March 2007. She was known for reporting on issues related to the Tamil community and had investigated reports of abductions and disappearances in Colombo. Amnesty International believes that she was detained in connection with her articles, published in *Mawbima* concerning such human rights violations.

Arthur Wamanan Swarnalingam, a Tamil journalist working for the *Sunday Leader* was arrested by the Criminal Investigations Department (CID) on 24 October 2007. Reports say that his arrest was connected to a telephone call Arthur Wamanan made to Government Minister Mano Wijeratne in order to get the Minister's comments on a story that appeared in *The Sunday Leader* on 21 October 2007 entitled "Minister gets Gem Authority to pay wife's roaming charges."⁴⁶ In addition to concerns that Arthur Wamanan was arrested due to reported pressure by Minister Mano Wijeratne, the *Sunday Leader* expressed concern about his treatment in custody:

*"Having identified Arthur as a Tamil, they wrote down his statement in Sinhala despite him asking that it should be written down in Tamil or English. They then forced him to sign it. What is more, he was not permitted to have a lawyer present."*⁴⁷

Arthur Wamanan Swarnalingam filed a Fundamental Rights case in November 2007 at the Supreme Court challenging the legality of his arrest.

On 26 February 2007 officers from the TID arrested **Dushyantha Basnayake**, a Director of Standard Newspapers Private Limited in Colombo, under the PTA. The reason given for his arrest was suspected links with the LTTE. According to Standard Newspapers they believe his arrest is more likely linked to a crackdown on their newspaper which prior to the time of

⁴⁵ See Amnesty International UA ASA 37/003/2007, 27 February 2007.

⁴⁶ Minister gets Gem Authority to pay wife's roaming charges", 21 November 2007, *Sunday Leader*.

⁴⁷ *Sunday Leader*, 21 November 2007, *ibid*.

his arrest was raising questions about the nature of the conflict; see below 'Targeting and Silencing of Mawbima.'⁴⁸ **Dushyantha Basnayake** was subsequently released without charge.

Akuna Unionists Case

On 5 February 2007, **Lalith Seneviratne**⁴⁹, **Nihal Serasinghe** and **Sisira Priyankara** who helped produce the trade union publication *Akuna (The Thunder)* were detained. Lalith Seneviratne told his lawyer that non-uniformed government agents took him from his home in Hokandara North, Colombo. During his abduction Lalith Seneviratne's wife tried to intervene and was told he was being taken by the government. She immediately filed a complaint at Ahurugiriya Police station. The authorities initially denied holding them in custody or having any knowledge of their whereabouts.⁵⁰ Less than 48 hours later the government admitted to having the men in custody and accused the unionists of 'terrorist' acts including the supply of weapons to the LTTE and setting off bombs. These accusations are based on taped confessions some of which were shown at a press conference in Colombo on 7 February 2007. The unionists' lawyer challenges these accusations and notes they are based on confessions gained by torture.

The unionists are members of a Leftist political group called the Revolutionary Liberation Organization which is a vocal opponent of the war. As a result, members of this group have been publicly called Sinhala Koti (Sinhala Tigers). A number of demonstrations they participated in with the anti-war front have been disrupted.

This case is complex with a number of explanations as to what role the unionists may have played in acting either as LTTE informants or agents provocateurs or simply going about their business as trade unionists entitled to their right to freedom of expression. Amnesty International is investigating the case to gain further clarity. Regardless of their alleged crimes the suspects have a right to a fair trial and any allegations should be part of a proper judicial inquiry.

The FMM criticised the nature of the arrests and detentions as apparently arbitrary and unlawful:

⁴⁸ Letter to Foreign Embassies in Colombo from *Mawbima* newspaper, 14th March 2007.

⁴⁹ Lalith Seniveratne has worked for a range of newspapers including *Hiru* magazine; *Kenimadala* and has even acted as a page designer for *Dinakara* newspaper the official newspaper of the Sri Lanka Freedom Party. These details were not revealed at the Press Conference on 7 February 2007.

⁵⁰ BBC Report "Journalists 'admit' working for LTTE", 7 February 2007, http://www.bbc.co.uk/sinhala/news/story/2007/02/070207_journalists_ltte.shtml.

*"The manner in which the information regarding the 'terrorist' linkages of the three trade unionists was made public also raises some concerns regarding the potential for stifling all opposition and media freedom in the interests of national security."*⁵¹

The *Akuna* unionists were held in the TID head office in Colombo until 7 June 2007 when they were transferred to Boosa detention camp in the south of the country. Counsel Ratnavale representing the three detainees claims the TID had caused the case to be called out of turn prior to the due calling date. As a consequence the suspects were not represented by counsel on 23 March 2007. According to relatives who visited the unionists, on 29 May 2007 **Lalith Seneviratne, Nihal Serasinghe** and **Sisira Priyankara** were ordered to sign a document admitting guilt. They refused and began a hunger strike. Police officers at the TID allegedly assaulted the prisoners. Families of the prisoners reported this to the HRCSL (Complaint No. HRC 3253/07 of 4 June 2007). The men have been held with limited access to their families and their lawyer and have alleged that they were tortured to coerce confessions.⁵²

The arbitrary detention initially sparked a protest by over 400 trade unionists on 6 February 2007 in front of the Fort Railway Station in Colombo.⁵³ In response to a question posed by a *Ravaya* journalist about the lack of due process during the arrests of the *Akuna* unionists, Champika Ranawakka, Minister for Environment and Natural Resources⁵⁴ reportedly advocated for the use of all available means, including the use of extra-judicial measures, against political dissidents. Minister Ranawakka said:

"We can't do any thing because of wild donkey freedom in this country, if those can't be dealt within existing laws we know how to

⁵¹ Press Release "Media and Terrorism" 8 February 2007, <http://www.ifex.org/20fr/layout/set/print/content/view/full/81062>.

⁵² Counsel Ratnavale for the case known as the case of the 'Sinhala Koti' (Sinhala Tigers) including suspects Lalith Seneviratne, Nihal Senaratna, Priyankara, Udaya Tennakoon, Ajith Kumara, Sanjeewa Sudath Chaminda and Suresh Kumara submitted that the right to be represented in Court is a basic right enshrined in the Judicature Act, Criminal Procedure Code and the Constitution. *Daily Mirror*, 9 April 2007.

⁵³ Sri Lanka: Trade unionists under threat', http://www.labourstart.org/cgi-bin/solidarityforever/show_campaign.cgi?c=210. As a result of trade union action criticising the arrests of the *Akuna* trio, several threats, including death threats, were made against union leaders. On 21 February 2007, the FTZGSEU and the HSTUA lodged a number of complaints with the police, in order to seek protection for their right to continue their trade union activities and to protect their lives.

⁵⁴ Patali Champika Ranawakka, a key policy formulator for the JHU, took his oaths on 1 February 2007 as Minister for Environment and Natural Resources.

do it. If we can't suppress those bastards with the law we need to use any other ways and means, Yes."⁵⁵

According to the FMM:

*"The Minister goes on to express his support for a recent poster campaign by the extremist National Movement Against Terrorism (NMAT) - known as a close political ally of the Jathika Hela Urumaya (JHU) to which the Minister belongs - calling for the elimination of those the JHU and NMAT perceive to be aiding and abetting the cause of the LTTE, including all pro-peace civil society activists and media activists."*⁵⁶

Lalith Seneviratne, Nihal Serasinghe and Sisira Priyankara remain in detention at Boosa detention camp and still face no formal charges. According to their lawyer they have only been produced in court once. According to reports one of the unionists was assaulted after his return from court.

Kehilya Rambukwella, the Government Information Minister speaking directly about the *Akuna* case noted, "the government is able to silence those who voice their opposition to the arrests."⁵⁷

Amnesty International is seriously concerned about such statements. The government should encourage, facilitate and protect the right of all persons, including those opposing the government, to peacefully express their views freely, rather than issuing threats against them. The organization calls on the government of Sri Lanka to dissociate itself from such statements and reiterate its commitment to respect and protect freedom of expression in particular, and human rights in general.



⁵⁵ Published by the *Ravaya* newspaper on 1 February 2007, *kumakda* ["What is the sign of anti-terrorism?"] "Disturbing statement by Government Minister", February 2007, at www.freemediasrilanka.org/full&id=468§ion=news.

⁵⁶ "Disturbing statement by Government Minister prompts urgent call for clarification", 19 February 2007, http://www.freemediasrilanka.org/index.php?action=con_news_full&id=468§ion=news.

⁵⁷ "Media and Terrorism- recent abductions and after", FMM Press Release, 9 February 2007, http://www.freemediasrilanka.org/index.php?action=con_news_full&id=464§ion=news.

4.4 Bombing of Voice of Tigers Radio Station

A Sri Lanka military air strike on 27 November 2007 destroyed the compound and some adjacent civilian buildings of the Voice of Tigers (VoT). The VoT radio station transmits LTTE news and information. Three of the station's staff, who had not been given any prior warning, and six other civilians were killed in the air force jet attacks. Reporters Without Borders condemned the attack and noted: "Voice of Tigers is a propaganda radio operated by the LTTE rebels, but the rules of war are clear - military bombardment and bombing must be limited to strictly military targets."⁵⁸

Bombing of Voice of Tigers Radio Station © Private

4.5 Threats and other forms of intimidation

The relatively small community of media workers in northern and eastern Sri Lanka continue to face intimidation, with editors periodically asked to report to military camps, and incidents of unidentified armed men entering newspaper offices late at night. On 6 November 2006 officers of the Sri Lankan Army's 512th division reportedly summoned Jaffna editors to warn them not to print the upcoming 'Heroes Day' Speech by leader of the LTTE Velupillai Prabhakaran. On 5 January 2006 the office of Jaffna Tamil daily *Yal Thinakkural* was searched by members of the army.⁵⁹

After a number of protests by students in Jaffna criticising the high number of enforced disappearances, it is reported that the Sri Lankan Army visited the offices of *Thinakkural*, *Uthayan* and *Valampuri* newspapers on 9 January 2007 and reportedly threatened staff not to publish reports by the Jaffna University Student Union.

An example of how the military tries to control news on human rights issues is its reported interference with the media coverage of the visit by UN Under Secretary General on Humanitarian Affairs, Sir John Holmes to Jaffna in August 2007. The day before the visit the military reportedly told journalists and NGOs in Jaffna to stay silent on human rights issues. Civil society groups issued a press release noting:

"On the day before Mr. Holmes' visit to Jaffna, the military commander called for a meeting at Palaly military headquarters, at which NGOs and civil society representatives were instructed not to

⁵⁸ "Reporters Without Borders Says Airstrike on Rebel Radio Station is a 'war crime', see http://www.freemediasrilanka.org/index.php?action=con_all_full&id=95§ion=news_in.

⁵⁹ "Another Jaffna newspaper office searched by soldiers", 9 January 2006, <http://www.ifex.org/en/content/view/full/71451/>

refer to human rights issues and to restrict themselves to issues of humanitarian assistance during their meeting with Mr. Holmes."⁶⁰

On 27 December 2007 Labour Minister Dr. Mervyn Silva entered the Sri Lanka Rupavahini Corporation (SLRC) with a group of supporters and reportedly assaulted the News Director, Mr. T. M.G. Chandrasekara. The Minister was reportedly angered by SLRC's decision not to televise his speech at a rally in Matara which, according to SLRC sources, contained a number of indecent remarks. Mr. Chandrasekara was hit twice and then dragged to the chairman's office.

Minister Mervyn Silva has a reported history of leading assaults on the media (see p 30). The lack of investigations following these attacks was cited by one journalist present at the SLRC premises as a reason why employees at SLRC took the Minister hostage for nearly 3 hours after the alleged assault. The employees wanted an apology for the assault on the SLRC News Director. Colombo Chief Magistrate, Macky Mohammed has urged a proper investigation into the role played in the incident by aides of Minister Silva who reportedly assaulted the SLRC News Director. One of Minister Silva's aides, Nuwan Gunathilake alias Kudu Nuwan (Heroin Nuwan), was subsequently arrested by the police on charges of allegedly assaulting the SLRC News Director, and was then released on bail. Kudu Nuwan is not a member of the Minister's official security but a personal bodyguard who faces a number of allegations relating to illegal heroin supply in Colombo. According to the *Sunday Times*, a three member committee appointed by the Central Committee of the Sri Lanka Freedom Party (SLFP) to investigate into the SLRC incident has not, as of January 26, actually met.⁶¹

Following the SLRC incident, journalists were questioned by the police for their role in holding Minister Silva. Aside from such official investigations, some SLRC journalists report that they have since received threatening phone calls from members of Kudu Nuwan's armed gang causing them to fear for their lives.

Sanath Balasooriya, the Chair of the Sri Lankan Working Journalists' Association (SLWJA) made a public speech at the SLRC premises on 27 December condemning the actions of Minister Silva and his aides but also appealed to everyone to seek a peaceful resolution. One of his colleagues, the General Secretary of the SLWJA was subsequently targeted. On 7 January 2008 a group of men in civilian clothes raided the house of Poddala Jayantha who notes that, "an unidentified group knocked at my door at

⁶⁰ Press statement condemning military interference on Jaffna NGOs meetings with UN Under Secretary General on Humanitarian Affairs, 9 August 2007, signed by Centre for Policy Alternatives, FMM, INFORM, Human Rights Documentation Centre, International Movement Against All Forms of Racial Discrimination, Law & Society Trust and Rights Now.

⁶¹ 'Rupavahini drama takes another violent turn', *The Sunday Times*, 27 January 2008.

about 3am and asked me to come out to give some information.”⁶² The men appear to have been police in civilian clothes, as the vehicles in which they arrived were identified as a police jeep bearing registration number GC 0306. ⁶³ At a Press Conference on 10 January, Minister of Mass Media and Information Anura Priyadarshana Yapa stated that the police team visited the house accidentally. The SLWJA has raised questions as to why the police went to Poddala Jayantha’s house at 3am. The fact that non-uniformed police travel in the night on search and arrest operations, without any formal orders being issued or records being made is a cause for concern.

Lal Hemantha Mawalage, an SLRC journalist also appears to have been targeted for his role in the SLRC incident on 27 December 2007. He has received continuous threats since the end of December 2007. On 25 January 2008 Lal Hemantha Mawalage's car was stopped in Athurugiriya, at around 11pm at night by two men who tried to stab him. Lal Hemantha Mawalage is now recovering after medical treatment at the Colombo National Hospital. A number of Sri Lankan media associations condemned the attack and linked it to the SLRC incident on 27 December 2007.

Meanwhile the Jaffna based *Uthayan* newspaper reported that it has received a threat on the telephone on 6 January 2008. According to its managing director, E.Saravanapavan the caller said that he was calling from the island of Kayts and demanded that the paper cease publication.

⁶² See footnote above.

⁶³ Journalist Leader Threatened, 7 January 2007,
http://www.bbc.co.uk/sinhala/news/story/2008/01/080107_poddala_threatened.shtml

5. LTTE Abuses

5.1 Silencing Dissent in the Vanni

Until recently, the LTTE had *de facto* control over a number of areas in both the north and east of the country. However, following a military offensive by Sri Lankan forces in the east, in the first half of 2007, the areas under LTTE control are now only in parts of the Jaffna peninsula and in the Vanni (south of the Jaffna peninsula). The LTTE has its headquarters in Kilinochchi, in the Vanni, where it has its own “police force” and “courts”. A person needing to enter LTTE-controlled areas from Vavuniya must go through a series of checkpoints, first those run by the Special Task Force (STF) and then by the LTTE. Movement between this frontline is closely monitored by both sides, and access has been highly restricted since large-scale combat operations resumed in the north on 11 August 2006.

Amnesty International has repeatedly raised concerns about the prohibition of dissent within areas under LTTE control and has a strong interest in doing further research into this and other issues in areas where the LTTE have control.⁶⁴ In early 2007, it asked the Sri Lankan government on a number of occasions for permission to do field research in both government and LTTE controlled areas. Unfortunately, the government responded by saying that it did not feel that the time was right for such a mission in any part of the country. The government, in October 2007, reportedly denied access to LTTE controlled areas to the High Commissioner for Human Rights, Louise Arbour, when she visited Sri Lanka citing security concerns and the potential for the LTTE to use such a visit as propaganda. Independent verification and analysis, by both local and international actors, is one of the key means to foster freedom of expression and information flow in any country, especially one where there is an armed conflict. For the reasons just cited, Amnesty International looks forward to being allowed to do research in Sri Lanka in the near future so that its analysis can be developed.

Civilians living in LTTE-held areas have been denied access to a variety of print and broadcast media for most of the conflict’s history. “The Voice of the Tigers” radio and LTTE-controlled newspapers remain the primary source of information. The LTTE has been involved in widespread human rights abuses including unlawful killings, child recruitment and abductions and intimidation of journalists and others critical of the organization. According to interviews with aid workers able to move in and

⁶⁴ See previous reports; “Sri Lanka: Rights groups say LTTE-linked killings continue with impunity”, Amnesty International, 7 August 2003, and “Sri Lanka: Tamil Tigers beating up families to recruit child soldiers”, Amnesty International, 7 July 2004, at www.amnesty.org.

out of LTTE areas, the LTTE organised a large scale recruitment campaign in early 2006 in preparation for a resumption of the armed conflict. The LTTE carefully monitors the activities of journalists in the region.

Although the LTTE opened up some of their areas to journalists during the ceasefire one reporter said,

*"often journalists looking for stories in sensitive northern areas are provided 'friendly fixers' on request by the rebels to ensure they don't stray into forbidden territory. Journalists use local people or Tamil speakers from outside the Vanni to guide them in rebel country, mainly as translators because most people speak only Tamil in LTTE areas. These guides are normally handpicked by the LTTE. Residents are reluctant to be seen guiding outsiders without rebel permission."*⁶⁵

In practical terms this means that there are no independent reporters in LTTE areas. Given the history of LTTE intimidation of critics who challenge their claim to be the sole representative of the Tamil population, it is unlikely that anyone living in the Vanni area would issue reports that were contrary to official LTTE positions.

In LTTE controlled areas as well as in Vavuniya and in the east, EPDP newspapers are banned and people known to have distributed them have been shot. EPDP newspapers have also reportedly been burnt.⁶⁶

On occasion, the LTTE has also targeted journalists outside the Vanni region. For instance, journalist **Relangi Selvarajah** and her husband were shot dead by unidentified gunmen on 12 August 2005 in Bambalapitiya, Colombo. Relangi Selvarajah had previously worked as a TV presenter with the Sri Lanka Rupavahini Corporation (SLRC) and was working as a journalist with Sri Lanka Broadcasting Corporation (SLBC). A number of reports allege that the LTTE were responsible. Before her death Relangi Selvarajah had filed reports on the programme "*Uthayan Darisanam*" that were critical of the activities of the LTTE. **Relangi Selvarajah** and her husband were closely associated with PLOTE (People's Liberation Organization of Tamil Eelam) a rival group of the LTTE.⁶⁷

⁶⁵ AsiaMedia Blog, 'Reporting amidst conflict and crisis', Feizal Samath, 14 January 2005. <http://www.asiamedia.ucla.edu/article.asp?parentid=19776>.

⁶⁶ "Tiger attack on 'Thinamurasu' carrying taxi injures four", *Lankanewspapers.com*, <http://www.lankanewspapers.com/news/2005/11/4283.html>.

⁶⁷ 'Journalism in Troubled Times the Struggle for Press Freedom', IFJ Press Freedom Report, p34, http://www.ifj-asia.org/files/ifj_south_asia_press_freedom_report_2005-2006.pdf.

5.2 *Diaspora media targeted by LTTE*

LTTE supporters have also repeatedly threatened Tamil media publishing and broadcasting outside Sri Lanka. On 8 June 2006, it was reported that Nadarajah Sethurupan, Anushriskumar Thamotherampillai and Kandiah Uthayakumar were involved in a violent attack at the Tamil Broadcasting Corporation (TBC); a Tamil language satellite radio station, located at Rayners Lane, Harrow, Middlesex. A court case in Harrow, London examined reports that Nadarajah Sethurupan came to the radio station and abused staff and issued threats in the name of the LTTE.⁶⁸ TBC reports that it has also received threatening telephone calls from both the LTTE and the Karuna faction.

Amnesty International is making inquiries into a number of allegations about the LTTE and threats to diaspora media in Canada and France.

6. Karuna faction threatening *Sudar Oli* & *Thinnakkural*

The Karuna faction is reported to have stopped the distribution of *Sudar Oli* and *Thinnakkural* in Batticaloa, Trincomalee and Ampara Districts (in the east) since at least January 2007. The English language *Daily Mirror* reported that threats to their newspaper in April 2007 were linked to their coverage of child recruitment and other human rights abuses by the Karuna faction in the East.⁶⁹ An international journalist reports that stringers on the ground in the East complain, "what we do is to bark for our community! We have no choice."⁷⁰

On 22 October 2006 10,000 copies of *Virakesari* were burned by a group of 10-15 armed men who stopped a van carrying copies of *Virakesari* near Kiran, Batticaloa.⁷¹ Reports indicate the armed men were from the Karuna faction.

In January 2008 Amnesty International received reports that armed cadres of the TMVP were active in the Batticaloa District. The presence of armed cadres makes it difficult for journalists to interview and corroborate issues of ongoing concern such as continuing abductions by the TMVP. The UN Secretary General has brought to the attention of the Security Council

⁶⁸ Interview with Mr Ramraj, Director of TBC, October 2007.

⁶⁹ Interview with journalist, Interview No. 1.

⁷⁰ Interview with journalist. Interview No 2.

⁷¹ '10,000 copies of Tamil Daily *Virakesari* burned by paramilitary group', FMM statement, 25 October 2006, <http://www.newssafety.com/hotspots/countries/srilanka/fmm/srilanka251006.html>.

the fact that the TMVP has re-recruited children who were released by the LTTE. Government authorities need to ensure that journalists are able to carry out their work of reporting without intimidation from armed cadres.

7. Increasing government restrictions on the media

"We consider anyone who criticizes the defence forces to be a traitor to the nation", Lakshman Hullugalle, Director General of the Media Centre for National Security, 8 October 2007.

Earlier phases of the conflict have seen many restrictions imposed on media freedom. Over the years reporting of the conflict has been prevented through both formal and informal measures. For instance, during different periods from June 1998 President Chandrika Bandaranaike Kumaratunga introduced legislation that included censorship measures against local press. For instance, under an extraordinary Gazette of 3 May 2000, legislation was introduced covering a raft of new powers designed to limit media coverage after the Sri Lankan Army was forced to retreat from Elephant Pass, near Jaffna. This included censorship of foreign media. Within weeks, the censor had shut down three newspapers and blacked out scores of articles. In July 2000 the Sri Lankan Supreme Court effectively overturned the stringent media censorship imposed by the government. However the government then simply re-enacted new laws. The censorship was finally lifted in May 2001.

Given the resumption of conflict the government is to be commended for not introducing the kind of censorship measures that were implemented during the late 1990s. Although formal censorship is not in place under the current administration Amnesty International has a number of concerns about formal and informal restrictions imposed on the media.

The impact of censorship in Sri Lanka is exacerbated by state control of various media. The state dominates a range of media networks including radio and television. The Associated Newspapers of Ceylon Limited (ANCL; or "Lake House" as it is commonly known) is controlled by the government. Lake House has an extensive reach with over 20 publications in the three main languages, and has wide distribution and outreach. It also benefits from state advertising. The state also controls the Sri Lanka Broadcasting Corporation (radio) and the Sri Lankan Rupavahini Corporation (television) as well as the Independent Television Network (ITN) radio and television network.⁷² Although private radio stations have been successful in capturing a significant market share they have limited transmission capabilities, broadcasting only on the FM band, while the SLBC broadcasts island-wide on medium, short wave and FM bands. The licensing of radio frequencies is

⁷² See also, 'A Study of Media in Sri Lanka' (excluding the north and east), April 2005, Centre for Policy Alternatives, p 3.

under government control, putting a further restriction on privately owned commercial radio operation.

In June 2006 CBNS, one of the two largest private television broadcasters in Sri Lanka, was shut down by the Criminal Investigations Department (CID).⁷³ The allegations included improper licences, the broadcasting of Fashion TV, and LTTE connections. The LTTE-based accusation stemmed from a discovery that CBNS uses the same satellite, PanAmSat 12, to downlink its channels to customers, as the LTTE use to broadcast their own channel, Eelam Sat NTT. This satellite is reportedly one of a fleet run by an international satellite provider that runs one out of every four channels broadcast throughout the world. The closures restricted Sri Lankans from accessing international news and entertainment.⁷⁴

In Sri Lanka, state domination of the media is such that it undermines freedom of expression and hampers public access to conflict-related information.

7.1 “You are with us or against us”

“There is no room anymore to assist terrorism directly or indirectly, and talk about democracy. This is because they [refers to LTTE] use this democratic space to design the destruction of the entire society. The democracy that creates an opportunity for terrorism is a joke. It is no simple joke but a deadly joke. We have already reddened our eyes through that joke”

President Mahinda Rajapaksa in a National Address in December 2006

Since the resumption of conflict the government has issued various warnings to the media not to report the activities of the security forces in a negative light. In September 2006 the Ministry of Defence announced to local media that editors should clear all defence-related stories in the interest of national security.⁷⁵ During telephone interviews several journalists noted to Amnesty International that they feel under pressure to submit stories relating to the conflict to the National Media Centre for Security. The government has made it clear that media outlets and their staff should, in its view, either choose the “terrorists” or the government that is “defending” the people of Sri Lanka. This repetition of the “war on terror” discourse has put a lot of pressure on people to impose self

⁷³⁷⁴ Report on CBN sat closure, 3 October 2006, Free Media Movement, http://www.freemediasrilanka.org/index.php?action=con_news_full&id=330§ion=news.

⁷⁴ Report on CBN sat closure, 3 October 2006, Free Media Movement, http://www.freemediasrilanka.org/index.php?action=con_news_full&id=330§ion=news.

⁷⁵ Country Reports on Human Rights Practices. ‘Sri Lanka 2006’. Released by the Bureau of Democracy, Human Rights, and Labor 6 March 2007

censorship. Those who do not toe the official line risk being labelled a “terrorist” or “traitor”.

Sanjana Hattutowa, who wrote an article called “I am an Enemy of the State”, for the *Daily Mirror* on 23 May 2007⁷⁶ comments:

“The accusation is increasingly made by those in government that civil society and rights activists who question its bona fides are enemies of the State. Branded traitors and pariahs, activists have over the past year alone faced not just a hostile government, but an increasingly hostile public in the South, who starved of information in the public domain on the actions of this government that have seriously eroded the democratic fabric, do not understand why we stand in opposition to it...this government is increasingly becoming and promoting the very terror it is fighting against.”

One example is the way President Mahinda Rajapaksa allegedly described an internet news service *Lanka E-news* as “no better than the LTTE” during a Cabinet meeting in November 2007.⁷⁷ On 1 February 2006 the Secretary of the JVP, government coalition partner, Wimal Weerawansa, was reported to have said in parliament that the editor-in-chief of the *Sunday Leader*, Lasanatha Wickrematunge, was a traitor and that he conspired with the LTTE. The collapse of expressing dissent into being a “traitor” has echoes in the way the LTTE have historically dealt with criticism of their views. Professor Uyangoda, an academic at Colombo University, comments on the current labelling of critics of the government as LTTE supporters or “traitors”:

*“Mirror-imaging the LTTE particularly in the area of human rights and humanitarian issues is self-defeating and self-destructive for the government. It prevents the government from occupying the moral high ground.”*⁷⁸

On 10 October 2007, a meeting on journalists’ safety in Sri Lanka was organised by Mediawise and the Exiled Journalists’ Network at the House of Commons in the UK. A number of speakers including Sunanda Deshapriya of the FMM and Nadaraja Kuruparan, of the ABC Radio Network (Sri Lankan ownership), made presentations. On their return to Sri Lanka some sections of the state media carried accounts that the Sri Lankan speakers, “had

⁷⁶ “I am an Enemy of the State”, 23 May 2006, *Daily Mirror*, <http://www.dailymirror.lk/2007/05/23/opinion/03.asp>.

⁷⁷ *Lanka E-news* has published an Open Reply to President Mahinda Rajapakse criticising this labelling on 29 October 2007. This is only available on the Sinhala version of the website but can be accessed at <http://www.lankaenews.com/Sinhala/news.php?id=3448>.

⁷⁸ ‘War and its other victims’, Jayadeva Uyangoda, 14 November 2007, <http://www.dailymirror.lk/2007/11/14/opinion/01.asp>

received payments from the LTTE to come over to London and speak about the plight of journalists in Sri Lanka.”⁷⁹

Amnesty International is concerned by the public campaign launched by the state media and some government officials against human rights defenders, including media workers, who participate in lobbying and advocacy for the promotion and protection of human rights. On the eve of the Human Rights Council sittings in Geneva in March 2007 a number of talk shows and articles vilifying human rights defenders were carried on state media channels.⁸⁰

7.2 Threats to journalists covering the conflict and corruption issues

Rajpal Abeynayake, editor of the government weekly *Sunday Observer*, was removed from his post in October 2006 after publishing a column entitled, “A state de-moralizing its ‘troops’, when it needs to inspire them?” which was criticised by the Ministry of Defence.⁸¹ On 22 January 2007 **Ruwan Ferdinanz**, Director Editorial of *Mawbima* newspaper filed a complaint at the Rajagiriya police station stating that he had received death threats by phone. The anonymous callers had warned Ruwan Ferdinanz to stop writing articles about the Defence Secretary Gotabhaya Rajapaksa and Advisor to the President, Basil Rajapaksa. On 17 April 2007 the editor of the Colombo-based *Daily Mirror*, **Champika Liyanaarachchi**, received death threats from Defence Secretary Gotabhaya Rajapaksa. The Defence Secretary reportedly also threatened to “exterminate” a journalist on the newspaper, for writing articles about the plight of civilians affected by the armed conflict.⁸² In May 2007 the Editor of the *Morning Leader*, **Sonali Somarasinghe**, was questioned by the CID over an investigative article alleging malpractices in the Central Bank.⁸³ The Bar Association of Sri Lanka condemned the way the police pressurised her to reveal her sources and

⁷⁹ http://www.freemediasrilanka.org/index.php?action=con_news_full&id=746§ion=news.

⁸⁰ “NGOs reject “traitor” label By Easwaran Rutnam, 4 July 2007 <http://www.dailymirror.lk/2007/04/11/front/04.asp>

⁸¹ See <http://www.sundayobserver.lk/2006/10/08/fea02.asp>.

⁸² This incident is reported in a number of different media sources including; Press and freedom? In Sri Lanka?: Inter-Press Service ‘*Sri Lanka Out of the Reckoning*’, IPS Correspondents, <http://ipsnews.net/news.asp?idnews=37582> 2 May 2007; ‘Respecting human rights and political dissent in Lanka’ by Ameen Izzaddeen. http://www.khaleejtimes.com/DisplayArticleNew.asp?xfile=data/opinion/2007/April/opinion_April80.xml§ion=opinion&col=

⁸³ Media Watchdog condemns CID questioning of Morning Leader Editor, *TamilNet*, 16 May 2007.

noted that, "such action by the authorities to force journalists to divulge their sources of information is a deterrent to investigative journalism."⁸⁴

Amnesty International is also concerned about death threats sent by e-mail to journalists. An example is the case of **Sadaruwan Senadheera**, the editor of *Lanka E-news* who received death threats after his coverage of the execution-style killings of 17 Action Contre La Faim (ACF) aid workers in Sri Lanka.⁸⁵ *Lanka E-news* on 27 June 2007 ran an article entitled, "Forensic evidence of killing of 17 aid workers tampered". Shortly after publication, Sadaruwan Senadheera received several intimidatory phone calls. He also received a death threat in an e-mail which said, "When Journalists change the truth & keep country & nation in danger, me & all innocent people have one wish. You all get either 5.52 mm or 7.62 mm bullet one day & sooner is better."⁸⁶

Journalists who cover corruption issues have also been targeted. On 16 August 2007 the personal security provided by the government to defense columnist **Iqbal Athas** was removed. Athas had been given police protection after being repeatedly threatened by members of security forces angered by his coverage of arms deals. Iqbal Athas, who is also an associate editor of *The Sunday Times*, and a correspondent for *Janes DefenceWeekly* and *CNN*, published a story alleging corruption in the purchase of Mig-27 aircraft on 11 August 2007.⁸⁷ Amnesty International is concerned that this action by the authorities endangers Iqbal Athas at a time when he may be vulnerable to attacks and that it is an apparent attempt to intimidate him into not writing about arms deals.

7.3 Journalists assaulted during protest

On 8 January 2007 a group of about 100 men armed with batons under the leadership of a Government Minister attacked a demonstration by the United People's Movement (UPM), a peace organization. The UPM were protesting against the return to conflict and rising cost of living. Prominent Sinhala, Tamil and Muslim politicians were to have addressed the rally, including the opposition United National Party (UNP), and several leftist parties. Journalist Ajith Seneviratne comments:

⁸⁴ "BASL speaks out in defence of Sonali", *Daily Mirror*, 25 May 2007.

⁸⁵ See Amnesty International UA issued AI Index: ASA 37/016/2007, 4 July 2007.

⁸⁶ See, 'Sri Lanka: Fear for Safety / Death Threat: Sadaruwan Senadheera', AI Index: ASA 37/016/2007.

⁸⁷ "The security of defense columnist Athas withdrawn for revealing the secrets of the Mig-27 deal", *Lanka ENews*, 16 August 2007.
<http://www.lankaenews.com/English/news.php?id=4551&PHPSESSID=30da23b0e68afbfbd2ce1bf694169182>.

*"When I was walking near the stage, someone pointed me out to Mervyn Silva [Deputy Labour Minister in the government who was seen leading the armed men at the venue]. The minister shouted 'beat him up! beat them all!', then the mob started attacking me."*⁸⁸

Among those assaulted were two journalists, **Ajith Seneviratne** of Lanka E-News and **Gnanasiri Kottigoda** of *Haraya* monthly and the BBC Sinhala Service. The armed men also attacked a freelance cameraperson who was taking photographs and confiscated his camera. Despite appeals to the Police nobody came to the scene.⁸⁹



Burnt out Sunday
Leader Press ©

7.4 Arson attack on Sunday Leader Publications Office

On 20 November 2007 the *Leader* Publications Office was attacked by a group of armed masked men.⁹⁰ According to the Mount Lavinia police around 10 armed men had forced their way into the printing press. Employees of the press who were on duty were forced to kneel down while the attackers poured petrol on the machines and some newspapers before setting them on fire. The office is located in a high security zone close to the Ratmalana military and domestic airport.

The Editors Guild of Sri Lanka condemned the attack and said:

"The fact that the publications of that Newspaper House viz., Irudina, The Sunday Leader, and the Morning Leader

⁸⁸ 'Mob attacks Sri Lankan anti war rally', by Sarath Kumar, 13 January 2007, <http://www.wsws.org/articles/2007/jan2007/sril-j13.shtml>.

⁸⁹ 'Mob assaults two journalists covering anti-war rally, attacks photographer and seizes camera', FMM Press Release, 11 January 2007, <http://www.ifex.org/es/content/view/full/80264/>

⁹⁰ See "IPI Condemns Assault and Arson Attack on Sri Lankan Publications' Printing House", 21 November 2007, FMM, http://www.freemediasrilanka.org/index.php?action=con_all_full&id=93§ion=news_in and <http://www.transcurrents.com/tamiliana/archives/423>.

have been severe critics of the incumbent Government places a heavy burden on the administration to have ensured its safety."

7.5 Cultural production faces threats to freedom of expression

Around the same time as the escalation of hostilities between the government of Sri Lanka and the LTTE, there was a noticeable increase in reports of intimidation of artists, including actors, writers and filmmakers.

Threats to the Holy Family Convent Theatre Group

On 8 December 2005, students from the Holy Family Convent in Kalutara performed an anti-war drama called *Doothikavo* (Mission Everlasting) at the Lionel Wendt Theatre in Colombo. Shortly after it opened, the play's Director and the Principal of the Holy Family Convent, Sister Deepa Fernando received serious threats. A letter dated 12 December 2005 was circulated demanding that the play be changed to include a line that Prabhakaran, leader of the LTTE, is a "terrorist". Excerpts from the threatening letter sent by the Veediya Bandara Brigade include:

"Warning in the Name of Peace!

The main obstacle to ending the decades old conflict and bringing peace to this country is the fact there are organizations in this country to protect the terrorists. While the barbaric murderer Prabhakaran is fighting an armed conflict in the North there is a brigade in the South that fights Prabhakaran's battles...if you do stage this play again you must state Prabhakaran is a terrorist...you should take this warning to be serious...the consequences could be dire."

The letter was copied and set to the Principal; the playwright, Mahinda Namal, as well as filmmaker Dharmasiri Bandaranaike who had supported the students to stage the play in Colombo. The Director and students subsequently stopped the performances of *Doothikavo*.⁹¹ Veediya Bandara is a Sinhala nationalist hero and both the JVP and JHU, who form part of the Government, have organizations named after Veediya Bandara associated with them.

⁹¹ Dharmasiri Bandaranaike has made a documentary about the incident entitled *Doothikavo*. Trikone Arts Centre, 2006.

7.6 Censorship of Aksharya

In April 2006, various civil society groups protested the censorship of **Asoka Handagama's** film *Aksharaya* (Letter of Fire). The film centres round an upper middle class family and a magistrate who hides her son after he has committed a murder. *Aksharya* initially gained approval from Sri Lanka's censor board, the Public Performances Board (PPB) as an "adults only" film and was cleared for local screenings in early April 2006. Shortly after, the Cultural Minister Mahinda Yapa Abeywardana claimed the film production involved child abuse and ordered the PPB to reverse its approval.⁹²

One scene includes a naked mother in a bathtub with her son, a sequence in the film previously approved by the PPB for 'adults only' viewing. The child who played a lead role in the film and his mother were held by the CID and were questioned regarding the production process of the scene. The cast and the crew were also questioned. In a telephone interview one journalist noted that the real reason for banning the film had nothing to do with nudity. Rather, the film raises questions about the dark underbelly of Colombo life featuring prostitution and corruption.

The Cultural Minister's intervention challenges the independence of the PPB, the sole arbiter of public performances of film and other artistic work in Sri Lanka. The November Group, a collective of citizens interested in issues of culture and freedom of expression said:

*"We, the citizens of this country and its authorities must keep in mind that Sri Lanka is a partner to the International Consortium [Covenant] for Civil and Political Rights (ICCPR); according to its well-known 19th article, the government should not violate and most importantly must actively protect citizens' right to access information, communication and language utilization."*⁹³

Senior Sri Lankan filmmakers including Dr. Lester James Pieris, Wasantha Obeysekera, Dharmasena Pathiraja, Dharmasiri Bandaranayake and Prasanna Vithanage campaigned for the screening of the film to be permitted.

During a hearing of a fundamental rights application filed by Asoka Handagama challenging the government decision to ban the screening of *Aksharaya*, the Chief Justice noted that the film cast the judiciary in "a bad light" and reportedly threatened Handagama and his colleagues in court by saying they may "have to walk with guards."⁹⁴ The Director says the government is trying to ban the film as part of a general drive "to stop

⁹² 'Sri Lankan government bans local film Aksharaya (Letter of Fire)'. By Wije Dias, *Asian Tribune*, 30 May 2006.

⁹³ Open letter by November Movement, April 2007.

political and socially sensitive issues in cinema.”⁹⁵ The Fundamental Rights petition was dismissed by the Supreme Court. The Director has come under criticism for his previous anti war-related projects. Another filmmaker Vimukthi Jayasundara notes that the censorship of *Aksharya*:

*“..makes clear that anything critical of the government’s authority or that challenges the so-called cultural Buddhist establishment will be banned... Some people might have mistakenly felt that the military had some legitimate concerns about antiwar films but it’s clear that this is really about freedom of expression for artists and filmmakers.”*⁹⁶

The weekly teledrama *Sudu Kapuro Pethi* (White Camphor) had dialogue with references to soldiers (part of conversational banter between 2 fictional characters) interrupted and cut while live on air in September 2006. The series was then suspended by the Sri Lankan Rupavahini Corporation. Then SLRC Chairman Newton Gunaratne told the media that the teledrama had insulted the security forces.⁹⁷

7.7 Targeting and silencing of Mawbima newspaper

Mawbima and *Sunday Standard* newspapers both published by *Standard Newspapers* publishers were forced to stop publication in February 2007. *Mawbima* is the first Sinhalese-language paper since the 1970s forced to close by the authorities. According to a journalist who had written for the newspaper:

*“The closing of Mawbima affected me as there was no other space for me to write what I wanted. The newspaper offered a channel to talk about our culture and criticise things, now that channel is gone. I have nowhere to publish my column.”*⁹⁸

Mawbima newspaper is owned by Tiran Alles who is known to be associated with Mangala Samaraweera, former Foreign Minister, sacked by President Rajapaksa in February 2007. *Mawbima* had been launched in July

⁹⁴ ‘Aksharaya film should be destroyed; the intellect should be in mind, not the breast’, says Chief Justice, LankaENews, 31 July 2007, <http://www.lankaenews.com/English/news.php?id=4481>.

⁹⁵ Phone Interview with Asoka Handagama, 10 August 2007.

⁹⁶ “We need to create some artistic space”, Interview with Vimukthi Jayasundera, by Richard Phillips, 2 October 2006, WSW website <http://www.wsws.org/articles/2006/oct2006/jaya-o02.shtml>.

⁹⁷ ‘Sri Lanka’s state owned television censors drama series’, by Panini Wijesiriwardene, 24 October 2006, www.wsws.org/articles/2006/oct2006/suda-o24_prn.shtml.

⁹⁸ Interview with journalist, Interview No.4.

2006 and raised questions about President Mahinda Rajapaksa's apparent military solution to the ongoing conflict.

On 18 January 2007 *Mawbima* offices were raided by officers of the Inland Revenue Department. In the previous week, *Mawbima* had published a column alleging serious irregularities in the privatization of the Sri Lanka Insurance Corporation by then Minister Milinda Moragoda. After the article appeared, it is alleged that senior Government officials instructed the Inland Revenue Department to raid the offices of *Mawbima*. Using the ERs and citing suspected links with the LTTE, the government was also able to freeze the Company's assets.⁹⁹

On 26 February 2007 officers from the TID arrested **Dushyantha Basnayake**, a Director of Standard Newspapers Private Limited in Colombo (see above).

7.8 Blocking and suspension of services

The Sri Lankan government pressured Internet Service providers to block web access to *TamilNet* on 15 June 2006.¹⁰⁰ *TamilNet* is a Tamil nationalist website accused by the Government of being sympathetic to the LTTE but its news is widely read including by the diplomatic community. By blocking access it prevented people in Sri Lanka from getting news about the situation in Jaffna.

The ABC Radio Network was suspended after carrying an inaccurate news item about LTTE activity in an incident at Ranminitenna, Tissamaharama on 24 October 2007. An investigation into the inaccuracies should have been ordered but the Media Ministry used the inaccurate reporting as a reason to suspend its services and revoke its broadcasting licenses. ABC claims that it verified the news item with the military spokesman and the Grama Seva Officer of the area. The same news article was also carried by several other radio channels and the national newspapers on the following day. On 25 October 2007, the Media Minister informed the network that all its stations were henceforth banned and its radio license revoked.¹⁰¹ ABC filed a fundamental rights petition in the Supreme Court on 29 October 2007 seeking the invalidation of the order by Media Minister Anura Priyadarshana Yapa to revoke its broadcasting licenses. The case is pending.

⁹⁹ 'Sad Saga of post Rajapaksa Media Freedom', by Dilrukshi Handunetti, Arthur Wamanan and Nirmala Kannangara, *Sunday Leader*, 25 November 2007.

¹⁰⁰ See "Article 19 Statement on the Ban of TamilNet in Sri Lanka", 20 June 2007, <http://ict4peace.wordpress.com/2007/06/20/article19-statement-on-the-ban-of-tamilnet-in-sri-lanka/>.

¹⁰¹ 'ABC seeks Rs. 450 m compensation', *Lanka Dissent* 30 October 2007, http://lankadissent.com/index.php?option=com_content&task=view&id=2073&Itemid=74.

8. Lack of accountability and action

Perpetrators of human rights violations, including those who target journalists are protected from prosecution by a longstanding culture of impunity. The majority of allegations of violations of freedom of expression have been ignored or rejected by competent authorities. The lack of investigations into media workers' deaths has a long history. Journalists associations in Sri Lanka have campaigned for proper investigations on many cases including the killing of Inter-Press Service journalist **Richard De Zoysa** in February 1990.

Those responsible for the unlawful killing of Richard de Zoysa in 1990 were never brought to justice. Richard De Zoysa, a respected actor and journalist who had been outspoken in his criticism of human rights violations by the Sri Lankan security forces in the late 80s, was found killed on 19 February 1990. Eyewitnesses reported that on the morning of 18 February 1990, six gunmen, two wearing police uniforms, arrived in a police jeep and took De Zoysa from his home. During a photo identification parade, De Zoysa's mother, Dr. Manorani Saravanamuttu, identified Senior Superintendent of Police Ronnie Gunasinghe as the leader of the group of abductors. Dr. Saravanamuttu has pressed for a full inquiry but the case has been abandoned as both Dr. Saravanamuttu and the Senior Superintendent have now died.

Investigations have also stalled in the killing of **Mylvagaman Nimalarajan**. According to reports, a group of unidentified gunmen approached the home of Mylvagaman Nimalarajan, a Jaffna-based journalist, on the night of 19 October 2000. The Committee for the Protection of Journalists (CPJ) reported that:

*"The assailants shot the journalist through the window of his study, where he was working on an article, and threw a grenade into the home before fleeing the premises. The attack occurred during curfew hours in a high-security zone in central Jaffna town...The journalist's parents and his 11-year-old nephew were seriously injured in the attack. Local journalists suspect that Nimalarajan's reporting on vote-rigging and intimidation in Jaffna during the recent parliamentary elections may have led to his murder."*¹⁰²

Mylvagaman Nimalarajan wrote for a number of media including the BBC. Despite international protest about his killing and the fact that a suspect, Napoleon, (reportedly an EPDP cadre) was named, there was no

¹⁰² Sri Lanka Media Report 2000, The Committee for the Protection of Journalists (CPJ) http://www.cpj.org/attacks00/asia00/Sri_Lanka.html.

sustained investigation.¹⁰³ According to his colleagues, Mylvagaman Nimalarajan's critical reporting of the EPDP during their election campaign in 2000 meant that he was on their "hitlist".

Dharmaratnam Sivaram, a well-known columnist for the *Daily Mirror* and senior editor of the online news service, *TamilNet* was abducted in Colombo on 28 April 2005. His bullet-ridden body was found by the police the following day, in a field close to the Sri Lanka Parliament, located within the perimeters of a High Security Zone. A suspect was identified and held in custody, but was subsequently released.

The Nation, a weekly newspaper, commenting on delays in the investigation notes:

*"The pressure to slow down the investigations [was] coming from the military intelligence wing. Rarely can a local police station OIC of Crimes withstand that degree of pressure. Over a year has passed since the death of Tamil journalist Dharmaratnam Sivaram or Tharaki, and while the investigation was hailed as a groundbreaking one using mobile technology and the like, the inquiry into his ghastly murder stopped short barely after it had started."*¹⁰⁴

As human rights violations in the context of the conflict have increased, Amnesty International is gravely concerned about a persistent climate of impunity.

Amnesty International is calling on the Sri Lankan government to conduct immediate, effective and impartial investigations into these killings and other human rights violations against journalists and to bring those responsible to justice. The perpetrators of violations must be held accountable.

¹⁰³ See Open Letter to Sri Lanka President on First Death Anniversary of Journalist Nimalarajan, 19 October 2001. Drafted by FMM and signed by a number of rights based organizations including Amnesty International.

¹⁰⁴ 'Murder of journalist Sampath Lakmal de Silva - Messenger killing shrouded in mystery', 6 July 2006, *The Nation*.

9. Respect and ensure respect for the right to freedom of opinion and expression

Media workers in Sri Lanka continue to report intimidation and harassment if they file stories critical of the conflict or corruption.

At the same time, the media themselves have recognised the need to deliver an impartial and professional news service. The Tholangamuwa Declaration of 2005 contains a set of responsibilities that journalists must subscribe to in order to deliver on their professional obligations.¹⁰⁵ The media associations as well as the government must both live up to their commitments to develop a fair, balanced and independent media.



Protestors, Colombo 2007 ©
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To support drives to create a public service media the government must review the ERs of 2005 and 2006 which have stifled freedom of expression. Amnesty International continues to raise concerns about the definition of “terrorism” in the ERs and urges the government to review the definition.

Against a backdrop of an armed conflict in which all parties are responsible for serious violations of international human rights and humanitarian law, it is vital that journalists can carry out their professional duties of writing and reporting without fear or hindrance. All sides in Sri Lanka’s conflict have interfered with and sought to restrict freedom of expression. Amnesty International is extremely concerned about increasing threats and direct attacks, including lethal ones, on journalists. The organisation is also concerned about other factors limiting press freedom in Sri Lanka beyond the restrictions permitted in international human rights law. Journalists have disappeared, newspapers and other media outlets are being shut down and attacked, and media workers live in a climate of fear and suspicion.

The Sri Lankan authorities must act on this and challenge impunity. They must send out a message that attacks, threats and harassment of

¹⁰⁵ Charter for a Democratic and Pluralist Media Culture and Social and Professional Rights for Media and Journalism, http://www.ifj-asia.org/files/tholangamuwa_declaration.pdf. The Charter was signed after an all-island conference of Sri Lankan journalists at Tholangamuwa, September 9-11, 2005.

media workers will not be tolerated. They must re-open investigations into the killings of all journalists, in accordance with international standards. All parties to the conflict must stop targeting journalists.

10. Recommendations

Amnesty International calls on the Sri Lankan authorities to:

Respect and protect the rights to life, liberty and security of person of media workers, in compliance with Sri Lanka's obligations under international human rights and international humanitarian law. The government must clarify unequivocally that killings, threats, or other attacks on media workers will be not tolerated. All cases of attacks on media workers, irrespective of the identity of perpetrators or victims, must be promptly, independently, impartially and effectively investigated. Those suspected of committing such attacks, including those in positions of responsibility who have ordered or allowed them, must be prosecuted in proceedings which meet international fair trial standards;

Exercise due diligence to protect media workers from attacks by the LTTE, armed Tamil groups and others;

Respect, protect and fulfil the right to freedom of opinion and expression, in compliance with Sri Lanka's obligations under the ICCPR and other international treaties and standards. In particular:

- Order the security forces and armed groups acting in alliance with them to stop all attacks against the media;
- End practices such as censorship, closure of media outlets, restrictions on access to areas of conflict, monitoring and surveillance of the media and detention of media workers that do not conform with Sri Lanka's international obligations;
- Limit restrictions on freedom of expression to those genuinely necessary for respect of the rights or reputations of others or for the protection of national security or of public order or of public health or morals;
- Take steps to ensure that everyone in Sri Lanka is able to use the Internet to receive and transmit their beliefs and opinions in line with their human rights to freedom of opinion and expression;
- Put an end to restrictions on media freedom through licensing and frequency restrictions.

Abolish all ERs currently in force or bring them fully in line with international human rights law and standards.

In particular, abolish or reform all emergency and other legislation used to violate the right to freedom of expression and other human rights, including:

- The Press Council Law No. 5 of 1973;
- The Security Ordinance No 25 of 1947 (PSO);
- Emergency (Miscellaneous Provisions and Powers) Regulation No. 1 of 2005 (and subsequent orders extending it);
- Emergency Regulation (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) No. 7 of 2006.

Invite the UN Special Rapporteur on Freedom of Expression to visit Sri Lanka;

Work towards legislating for a Freedom of Information Act, in accordance with international human rights law and standards.

Amnesty International calls on the LTTE:

To issue instructions to all its members to cease all killings, threats or other attacks on media workers;

To clarify to all members that killings, threats, or other attacks on media workers will not be tolerated. All those suspected of such attacks should be suspended from positions where they can carry out further attacks;

Amnesty International calls on the Media Community:

To uphold the principles outlined in the Tholangamuwa Declaration 2005.