

Sri Lanka Brief



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This report has three parts: The introduction, Section one (**Assessment of the UPR recommendations**) and Section two (Freedom of Expression violations since the last UPR process).

Introduction:

1. Sri Lanka Brief is an association that investigates researches, produces reports, features and news on human rights issues of Sri Lanka and disseminates them in order to defend, strengthen and enforce the human rights and democratic freedoms of all peoples of Sri Lanka. Sri Lanka Brief is a non-profit association governed by the present statutes and, secondarily, by Articles 60 et seq. of the Swiss Civil Code. It is neutral politically, and non-denominational. Its website www.srilankabrief.org publishes in English and Sinhala.

Sri Lanka Brief submits this report to the Office of the High Commissioner for Human Rights (OHCHR) on the situation of Freedom of Expression and Opinion, to be considered in the third cycle of UPR on Sri Lanka to be reviewed at the 14th session in October - November 2012. According to the framework for the second UPR cycle, emphasis should be given to the recommendations accepted by the country under review. Therefore, a main source of reference is the documents A/HRC/8/46 together with the responses of the Government of Sri Lanka to the recommendations contained in document A/HRC/8/46/Add.1.

2. Since the new government headed by President Maithreepala Sirisena and Prime Minister Ranil Wickremesinghe came to power in January 2015 number of far reaching measures has been taken to protect and promote freedom of expression rights in Sri Lanka: Right to Information Act¹ has been

¹ <http://srilankabrief.org/2017/02/sri-lanka-the-gazetted-rti-act-in-full-how-to-obtain-information/>

enacted; Censorship and ban imposed by the previous government on selected web sites has been removed²; International Human Rights organisations has been allowed to visit the country and unhindered access to fact finding missions has been granted.

3. In general open space for dissent has been considerably expanded. Memorialisation of war dead by the Tamil community, which was banned under the previous government, too has been allowed. In both instances increasing surveillance by military personal has been reported in recent times³.

4. A cabinet subcommittee has been established to study the report prepared by a committee, appointed by the President's Secretary, to investigate various instances of harassment faced by journalists from 2005 to 2015.⁴ The report has recommended only a meagre compensation for the victimised journalists and media workers, maximum amount being LKR 100,000 (700 \$) to Minimum LKR 25,000 (175 \$)⁵.

5. The government Information Department has initiated a process to establish Media Regulation Body⁶. It announced a call for submissions in November 2016. The first draft of the proposed "Independent Council for News Media Standards Act"⁷ has already being prepared. The call for submissions and the first draft does not mention democratisations of huge state controlled media. The Government will establish media regulation mechanises this year⁸.

Section 1: Assessment of the implementation of recommendations accepted by the Government of Sri Lanka and voluntary commitments made during the second circle of UPR process in 2012

3. In general, there has been visible progress on some of those recommendations made in UPR 2012. Compared to the second UPR in 2012, the human rights situation in Sri Lanka has improved providing open democratic space for dissent. Nevertheless lack of impartial and speedy investigations into killings, abductions, assaults, threats and hate campaigns on journalists and media workers remains a grave threat to freedom of expression in Sri Lanka. In short impunity for crimes against media remains a major course of concern for the safety of journalists and media workers in Sri Lanka.

4. According to the document A/HRC/8/46, paragraph 82, A.4, Sri Lanka accepted the recommendation by Ukraine to "*Cooperate actively with international mechanisms (...) as well as special procedures of the Human Rights Council*". Until now, Sri Lanka has not invited the UN Special Rapporteur on Freedom of Expression and Opinion although the government has offered a standing invitation to all United Nations Special Rapporteurs to visit Sri Lanka. In 2006 when Sri Lanka contested to become a member of the UN Human Rights Council for the years 2006-2008 GoSL made a commitment to invite the UN Special Rapporteur on Freedom of Expression which it has not fulfilled to date.

6. Cooperation with HR mechanisms goes beyond the submission of reports and information. Meaningful cooperation with the OHCHR requires the GoSL to reveal the implementation of the

² <https://freedomhouse.org/report/freedom-net/2015/sri-lanka>

³ <https://rukiiii.wordpress.com/2017/03/17/military-occupation-documenting-civilian-protests-and-the-struggle-of-the-newly-resettled/>

⁴ <https://www.ceylontoday.lk/print20170101CT20170331.php?id=18224>

⁵ <http://www.lankaenews.com/news/5529/si> (in Sinhala)

⁶ <https://dgi.gov.lk/news/latest-news/380-media-standards-and-entitlements-public-views-expected-before-31-december>

⁷ <http://srilankabrief.org/2017/03/sri-lanka-independent-council-for-news-media-standards-act-full-text/>

⁸ <http://srilankabrief.org/2017/01/sri-lanka-govt-will-establish-media-regulatory-commission-in-this-year/>

treaties, the recommendations of treaty bodies, of special procedures, and UPR recommendations at the national level.

7. According to the document A/HRC/8/46, paragraph 82/39 Sri Lanka accepted the recommendation by Ireland to *take measures to safeguard freedom of expression and protect human rights defenders, and effectively investigate allegations of attacks on journalists, media personnel and human rights defenders and prosecute those responsible.*

8. Out of dozens of such cases only three instigations has shown visible progress: Abduction of journalist Prageeth Eknaligoda in 24th Janiary 2010; Assassination of journalist Lasantha Wickremetunge on 08 January 2009 and abduction and torture of journalist Keith Noyahr on 22 May 2008. There has been no concrete progress in any other investigations of attacks on journalists and media organisations including the killings and disappearances of journalists.

9. The Attorney General Department and Investigating officers of the Police has complained to the courts that Military hierarchy is not cooperating with the investigations of disappeared journalists Prageeth Eknaligoda⁹ and assassinated journalists Lasantha Wickrematunge¹⁰. So far no sufficient action has been taken by the Government to remedy this unhealthy situation.

10. The government has so far not initiated any investigation in to the disappearance of journalists Subramanium Ramachandran¹¹ in Jaffna on 15th of February 2007 despite there is clear evidence that he was detained at a military check point on the same evening.

11. No progress has been reported on the killing of single Tamil minority journalist or media worker in the Northern and Eastern province so far¹². The Chief Minister of the Tamil-majority Northern Province of Sri Lanka, C.V.Wigneswaran, too has said that the Sri Lankan government is not investigating the killing or disappearance of Tamil journalists when it is investigating cases involving Sinhalese journalists.¹³

Section 2: Major Freedom of Expression violations since the new government came to power in 2015.

12. The New government has decided to maintain the Sri Lanka Press Council despite the call for its abolition by many stake holders. President Sirisena appointed a new Chairman including Board of the Directors on July 2015.¹⁴ Issuing a press release the constituent partners of the Sri Lanka Press Institute (SLPI) condemned “the Executive actions of the President Maithripala Sirisena to re-activate the Sri Lanka Press Council on July 2, 2015 through the provisions of the anti-democratic Press Council Law No. 5 of 1973.”¹⁵

13. In early march 2016 Ministry of Parliamentary Reforms and Mass Media issued a circular calling for website registration. This was a continuation of previous regime’s attempt to control web media without any legal provisions. “all news websites operating in Sri Lanka has to be registered with the Ministry of Parliamentary Reforms and Mass Media enabling them to be operated under recognised

⁹ <http://srilankabrief.org/2016/01/eknaligoda-killing-tug-of-war-is-continuing/>

¹⁰ http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=153823

¹¹ <http://srilankabrief.org/2016/02/where-is-journalist-subramanium-ramachandran-9-years-after-he-disappeared-watchdog/>

¹² <http://www.newindianexpress.com/world/2016/nov/07/wigneswaran-asks-government-why-killing-or-disappearance-of-tamil-journalists-is-not-investigated-1535876.html>

¹³ i bid

¹⁴ <http://slpc.lk/media-center/press-release/item/63-new-director-board-appointed.html>

¹⁵ <https://freemediasrilanka.wordpress.com/>

ethics and standards without any interruption. ...web sites that have not been registered so far are kindly requested to take necessary steps to obtain registration before 31 March 2016 and it regretfully informed that web sites remain unregistered will be considered as unlawful from the above date.¹⁶ Web site registration fee remains comparatively high in Sri Lanka.

14. Prime Minister Ranil Wickremesinghe has on number of occasions has threatened media personal. He has said that “ certain media personnel who he said were adherents of the “Maha Brahma”, who is now no longer in power. “The Brahmin class in media was created by a Maha Brahma who is no longer in power. That Brahmin class used to dine and drink with the Maha Brahma. The so-called Brahmin class has become outcastes (vasala),”¹⁷ A few days later PM Wickremesinghe said that “ ... the Daily Mirror also went behind Rajapaksa. They belong to him. I am saying one thing. I have given time to adjust according to the new framework. If they cannot adjust Kesara Abeywardene [editor, Daily Mirror] can go home. Derana [TV] also started the game yesterday. Daily Mirror Editor Kesara Abeseywardene once wrote a story calling for my resignation. I have given time for them to correct themselves. If they don't do it Kesara Abeywardene has to go home. We cannot allow this nonsense to continue, Even Derana [TV] has started to play games once again. If Derana becomes pro Rajapaksa we will have to disclose all their thefts.”¹⁸

15. President Maithreepala Sirisena also on several occasions has warned media for being critical of the government: For instance President Maithripala Sirisena has said that “certain media organisations, journalists, nongovernmental organizations (NGOs) and traitorous forces act without realizing the importance of ensuring national security. The President said he was not ready to compromise national security in order to please NGOs. I have to say this clearly: some media behaved in an unacceptable manner abusing the media freedom that exists today”¹⁹.

16. Astrologer Vijitha Rohana Wijemuni was arrested and remanded on charges of making false predictions regarding the fate of President Maithripala Sirisena. In Mid 2016 he predicted that President Sirisena will die within six months. Later was released on bail²⁰.

17. Navy Commander Vice Admiral Ravi Wijayagunaratne assaulted Roshan Gunasekera, a local correspondent for The Island and Divaina dailies, while the journalist was reporting navy action to open the port blocked by protesting port workers. Video footage recorded by other journalists showed the navy commander darting towards Gunasekera, assaulting him and using foul language. The International Federation of Journalists (IFJ) and the Free Media Movement, Sri Lanka (FMM) in condemned the attack by the Sri Lankan Navy commander on a journalist at the Magampura Port in Hambantota, Southern Province on December 10²¹. The IFJ demanded immediate action against the commander. No action was taken by the government.

18. The Secretary of the Ministry send a showcase letter to the Derana TV accusing the channel of falsification of a speech by President Maithripala Sirisena in a news bulletin and demanded an explanation before further action on November 18. Earlier the same official had written to the

¹⁶ <http://www.asianmirror.lk/media-quality-watch/item/15192-government-criticized-for-requesting-news-websites-to-register>

¹⁷ i bid

¹⁸ http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=140349

¹⁹ <http://www.dailymirror.lk/article/President-slams-some-NGOs-media-traitorous-forces-118241.html#sthash.3BehyPlc.dpuf>

²⁰ <http://srilankabrief.org/2017/02/astrologer-arrested-for-predicting-sri-lanka-presidents-death-within-6-months-bailed-out/>

²¹ <http://srilankabrief.org/2016/12/sri-lankan-navy-commander-assaults-journalist-ifj/>

channel informing them that an inquiry was being conducted into this matter²². The International Federation of Journalists (IFJ) and the Free Media Movement (FMM), Sri Lanka expressed serious concerns over actions by the Ministry of Parliamentary Reforms and Mass Media on the Ada Derana News TV channel. The IFJ demanded that the Sri Lankan authorities refrain from any arbitrary action restricting freedom of the press²³.

19. On 25th of November by Gampaha Magistrate Mrs. Kavindra Nanayakkara issued an Interpol order to arrest Mr. Sandaruwan Senadheera, Editor of Lanka E News, for the allegation of the contempt of court. This is the first incident of issuing an international warrant against a Sri Lankan journalist. The Free Media Movement's (FMM's) issued a statement questioning the action of the Judge²⁴, which later proved to be inconsistent with the international law. Editor Sandaruwan Senadheera was threatened at several occasions under the previous Rajapakse government and had to leave the country as a result. Later The Supreme Court noticed Lanka E News Editor Sandaruwan Sandheera to appear before Court on March 3 on contempt of court charges²⁵.

20. The decision taken by the Media Ministry in October 2016 to cancel the broadcasting licence of the Carlton Sports Network (CSN) was seen more as a political decision than anything related to the law.²⁶ The network was owned by the son of a former president Rajapaksa²⁷. Parliamentary Reforms and Mass Media Minister Gayantha Karunatilake was quoted in the Media Ministry website as saying the broadcasting licence of CSN was cancelled since the channel failed to adhere to transmission regulations²⁸.

The End.

²² <http://srilankabrief.org/2016/11/sri-lanka-fmm-questions-media-secs-showcase-letter-to-derana-tv/>

²³ <http://srilankabrief.org/2016/11/arbitrary-action-on-derana-tv-by-sri-lankan-government/>

²⁴ <http://srilankabrief.org/2016/11/any-legal-action-against-lanka-e-news-should-be-fair-and-just-free-media-movement/>

²⁵ <http://dailynews.lk/2017/01/19/law-order/105175/sc-notices-lanka-e-news-editor>

²⁶ <http://srilankabrief.org/2016/10/cancelling-csn-tv-licence-a-political-move/>

²⁷ <http://srilankabrief.org/2016/10/rajapksas-owned-cartlon-sports-tv-network-licence-cancelled/>

²⁸ <http://www.media.gov.lk/news-archives/668-csn-broadcasting-license-cancelled-for-not-adhering-to-transmission-regulations>

