

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	386
Land:	Sri Lanka
Kilde:	Freedom House.
Titel:	Freedom of the Press 2010 – Sri Lanka.
Udgivet:	8. oktober 2010.
Optaget på baggrundsmaterialet:	16. december 2010

Title	Freedom of the Press 2010 - Sri Lanka
Publisher	Freedom House
Country	Sri Lanka
Publication Date	8 October 2010
Cite as	Freedom House, <i>Freedom of the Press 2010 - Sri Lanka</i> , 8 October 2010, available at: http://www.unhcr.org/refworld/docid/4caf1c19c.html [accessed 13 December 2010]

Freedom of the Press 2010 - Sri Lanka

Status: Not Free

Legal Environment: 23

Political Environment: 32

Economic Environment: 17

Total Score: 72

Despite the end of the government's long-running war with the Liberation Tigers of Tamil Eelam (LTTE) rebel group in May 2009, media freedom remained severely restricted in Sri Lanka, with journalists subject to several forms of legal harassment and physical intimidation. Although the constitution provides for freedom of expression, it and other laws and regulations place significant legal limits on the exercise of this right. Some of the restrictions cite grounds that are not recognized in international law, and there is a lack of effective procedural and substantive controls such as proportionality and effective judicial review.

The 1979 Prevention of Terrorism Act (PTA) contains extremely broad restrictions on freedom of expression, such as a prohibition on bringing the government into contempt. The decades-old Official Secrets Act bans reporting on classified information, and those convicted of gathering secret information can be sentenced to up to 14 years in prison. Although no journalist has ever been charged under the law, it is frequently used to threaten them. Journalists are also occasionally threatened with contempt of court charges or questioned regarding their sources. The 1973 Press Council Act, which prohibits disclosure of certain fiscal, defense, and security information, had not been enforced in more than a decade, in keeping with an unwritten agreement between the government and media groups. However, in July 2009 the government stated that it was bringing the law back into force. It allows for the imposition of punitive measures, including prison terms, for offenses including publication of internal government communications or cabinet decisions, matters affecting national security, and economic issues that could influence price increases or food shortages. There is no enforceable right to information in the constitution or separate legislation. In fact, the Establishments Code, the formal administrative code governing civil servants, actively discourages access to information even on public-interest grounds.

In 2006, unofficial prepublication censorship on issues of "national security and defense" was imposed by the government's new Media Center for National Security, which assumed the authority to disseminate all national security and defense-related information to the media and public. Emergency regulations that were reintroduced in 2005 following the assassination of Foreign Minister Lakshman Kadirgamar – and extended by Parliament on a monthly basis since then – allow the government to bar the publication, distribution, performance, or airing of any print or broadcast material deemed likely to cause public disorder. The regulations have been used a number of times to arrest and detain journalists, sometimes for months without charge. Senior journalist J. S. Tissainayagam, editor of the now-defunct *North Eastern Monthly* magazine, was sentenced to a 20-year

prison term in late August 2009, a year after becoming the first journalist indicted under the PTA. He had originally been detained in March 2008. A number of reports noted serious judicial flaws in connection with his trial. Tissainayagam's former colleagues Vetrivel Jasiharan and Vadivel Vallarmathy, who were also charged under the PTA, were released in October 2009 after 19 months in detention, as a court found that there was insufficient evidence to prosecute them. Separately, N. Vithyatharan, editor of the Tamil daily *Sudar Oli*, was detained without charge for two months after being accused of having links to the LTTE; he was released due to lack of evidence.

Broadcast licensing decisions sometimes appear to be arbitrary and politically influenced. New licensing rules announced in October 2008 barred ownership of broadcast outlets by individuals who have formal political affiliations, and banned content deemed to be "detrimental to national security," with license suspensions for violators. Following criticism of the new regulations from local groups, the government decided to delay their implementation, and they made no further progress in 2009.

Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, face regular intimidation and pressure from government officials at all levels. Official rhetoric is markedly hostile toward critical or "unpatriotic" journalists and media outlets, with prominent leaders, including Defense Secretary Gothabaya Rajapaksa, often making statements that equate any form of criticism with treason. State-controlled media and the Defense Ministry website have been used to smear and threaten individual journalists and other activists. As a result, levels of self-censorship have risen considerably. In 2009, visas for a number of foreign correspondents, including Ravi Nessman of the Associated Press, were not renewed as a result of their coverage, forcing them to leave the country. Other foreign news teams were deported, including a three-person team from Britain's Channel 4 News that was expelled in May following attempts to cover events in the war zone.

The level of threats and harassment against local journalists and media outlets continued to rise in 2009. In addition to verbal and physical attacks from official sources, journalists and press advocacy groups perceived as supportive of Tamil interests have drawn the ire of Sinhalese nationalist vigilante groups. The offices of the country's largest independent broadcasting company, Maharaja Broadcasting, were attacked in January, presumably in retaliation for its coverage of the war. The assault temporarily knocked a half-dozen television and radio stations off the air. A number of journalists received death threats in 2009, while others faced attempted or actual kidnapping and assaults. The victims included Poddala Jayantha, general secretary of the Sri Lanka Working Journalists' Association; Dileesha Abeysundera, a journalist at the weekly *Irudina*; Frederica Jansz and Munza Mushtaq, of the Leader Publications media group; and Upali Tennakoon, editor of the weekly *Rivira*. In the most serious incident, prominent editor Lasantha Wickrematunga of the *Sunday Leader* was shot dead by unknown assailants as he drove to work in Colombo. He had previously received threats and posthumously published an article predicting his own murder. His widow, Sonali Samarasinghe, herself a prominent journalist, received threats and fled the country weeks after the murder. Several dozen other journalists have gone into exile in the past two years as a result of threats. Previous crimes against journalists have not been adequately investigated or prosecuted, leading to a climate of complete impunity.

As the conflict with the Tamil Tigers intensified in early 2009, coverage of the war zone in northern Sri Lanka became almost impossible. Journalists were restricted by bans on physical access to the area, some of which remained in place after the war's end. For example, reporters were denied entry to cover local elections held in Vavuniya and Jaffna in August. Media access to government-run camps for displaced civilians was also restricted, with journalists only allowed to visit select portions of certain camps at the government's discretion. The facilities held over 450,000 people at their peak, and most remained in the camps from May to December.

On the positive side, the destruction of the LTTE ended severe restrictions that the rebels had placed on media in their territory. These had included the seizure or banning of certain Tamil-language newspapers, as well as threats and attacks against journalists and media staff. However, threats from other Tamil factions continued. In June, the entire staff of the *Uthayan* newspaper, based in Jaffna, received death threats from an unknown Tamil group. Mainstream Tamil political parties and authorities condemned the threats, and security officials provided additional police protection to the paper. Also during the year, unidentified perpetrators seized newspapers prior to distribution and threatened Tamil outlets they accused of being "pro-terrorist."

Several privately owned newspapers and broadcasters continue to scrutinize government policies and provide diverse views. However, media outlets have become more polarized, shrinking the space for balanced coverage. As political tensions rose at the end of the year ahead of a presidential election scheduled for January 2010, biased coverage became even more pronounced, and outlets perceived to favor one side or the other faced harassment. In recent years ownership has also become more consolidated, with many private outlets now owned by government officials or their close associates. The Colombo-based Free Media Movement has noted that state-run media – including Sri Lanka's largest newspaper chain, two major television stations, and a radio station – are heavily influenced by the government, citing cases of pressure on editors, several unwarranted dismissals of high-level staff, and biased coverage. Business and political interests exercise some control over content through selective advertising and bribery. The gradual reopening of the key A9 highway to the north of the island during 2009 helped to ease production difficulties for northern newspapers, which had been hampered by shortages of newsprint and other key supplies during the war's final phases.

Access to the internet and to foreign media has been increasingly restricted. The British Broadcasting Corporation (BBC), which had been intermittently jammed by the state-owned Sri Lanka Broadcasting Corporation (SLBC) in 2008, announced in February 2009 that its World Service would cease to provide content to the SLBC, citing the latter's censorship and blocking of its output as well as vilification of its war reporting. On several occasions during the year, the authorities confiscated editions of the *Economist* with critical articles as they arrived in the country, preventing their distribution.

Almost 9 percent of the population used the internet in 2009, with many residents deterred by the high costs involved, although mobile-telephone usage continued to grow exponentially. Starting in 2007, the government ordered the country's two largest internet-service providers to restrict access to TamilNet, a pro-LTTE news site; it was blocked intermittently throughout 2009. Restrictions on internet content have increased since the escalation of fighting at the end of 2008. Other websites that reportedly faced periodic blocking during 2009 included the Lanka News Web and the *Sri Lanka Guardian*, as well as the sites of international human rights organizations like Human Rights Watch. The news website Lankadissent reportedly chose to cease operating in January 2009 for fear of becoming the target of reprisals.

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