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Freedom of the Press 2011 - Sri Lanka

Status: Not Free

Legal Environment: 23

Political Environment: 30

Economic Environment: 18

Total Score: 71

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 restricted in Sri Lanka, with journalists subject to myriad 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. 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 used to threaten them. Journalists are also occasionally threatened with contempt of court charges or questioned regarding their sources. During the year, legal harassment of the *Sunday Leader* continued, with the newspaper facing several defamation and contempt of court charges worth millions of dollars in cases filed by the defense secretary. Several sets of lawyers representing the paper have withdrawn after being intimidated, while another was vilified on the Defense Ministry website. The cases had not been resolved by year's end. 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 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.

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 information related to these issues to the media and public. Emergency regulations reintroduced in 2005 – 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, who was sentenced to a 20-year prison term under the PTA in September 2009, received a presidential pardon in June 2010 and was able to leave the country.

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. 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. In July 2010, authorities announced plans to create a Media Development Authority with sweeping powers to regulate the sector under the guise of promoting media ethics and training. Local press freedom advocacy groups, such as the Free Media Movement, have faced smears and accusations, and its staff operates under considerable threat.

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, with many journalists unwilling to engage in reporting that is critical of the government or Rajapaksa family, as well as issues concerning the end of the war and potential war crimes violations. Some of the bans on physical access by reporters to the war zones and the internment camps continued in 2010, and British Broadcasting Corporation (BBC) reporters were denied entry to cover hearings related to the civil war in September.

The level of threats and harassment against local journalists and media outlets remained high in 2010. 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. On a number of occasions, reporters attempting to cover sensitive news stories were roughed up by police during the course of their duties. While Tamil journalists no longer face the level of threat from the LTTE that they did during the war, they generally refrain from strident criticism of the government, military, or progovernment Tamil political factions. A number of journalists received death threats in 2010, while others were subject to attempted or actual kidnapping and assaults. Around the time of the January presidential election, access to news websites was blocked, the *Lanka* newspaper was shut down, several journalists were detained and questioned, and state media employees were harassed. Prageeth Ekmaligoda, a reporter and cartoonist at the pro-opposition *Lanka eNews* website, disappeared and remained missing at year's end. Officials stalled on investigating the case. Gamini Pushpakumara was dismissed from his position at the state-run Sri Lanka Rupavahini Corporation (SLRC) television station in January, following his attempts to protest imbalanced coverage of the presidential candidates and elections; after he fled into exile, his wife continued to receive threats against his life. Armed attackers firebombed the premises of the private Siyatha radio station, whose owner had supported former general Sarath Fonseka in the presidential election, in July, damaging broadcast equipment and injuring staff. Earlier, the media group's newspaper had been prevented from covering events and had had official advertising withdrawn, forcing it to shut down. The offices of Sirasa TV, the country's largest private broadcaster, were attacked by a stone-throwing mob in March; the attackers had arrived on a bus, suggesting a pre-planned assault. Previous cases of attacks on or murders of journalists – including that of Lasantha Wickrematunga, editor of the *Sunday Leader*, who was killed in January 2009 – have not been adequately investigated or prosecuted, leading to a climate of complete impunity. Dozens of journalists and media freedom activists have fled into exile in the past several years, leaving the sector devoid of a number of its most senior practitioners.

A shrinking number of privately owned newspapers and broadcasters continue to scrutinize government policies and provide diverse views, but most do not engage in overt criticism or investigative reporting. Media outlets have also become extremely polarized, shrinking the space for balanced coverage. A high level of political tension during 2010 due to the presidential and parliamentary elections ensured that biased coverage remained pronounced, and outlets perceived to favor opposition candidates or parties faced harassment. In violation of a Supreme Court order, coverage by state-owned outlets overwhelmingly favored the incumbent, President Mahinda Rajapaksa, prior to the January election. 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. However, those publishing opposition print media, such as Chandana Sirimalwatte, editor of the weekly *Lanka*, have faced difficulty in having their publications printed and distributed.

Access to the internet and to foreign media has occasionally been restricted. BBC radio programs had been intermittently jammed by the state-owned Sri Lanka Broadcasting Corporation (SLBC) in 2008 and 2009, but resumed being relayed by the SLBC in April 2010 in both Sinhala and Tamil following an agreement between the two broadcasters. On a number of occasions during the year, issues of the *Economist* magazine that contained articles on Sri Lanka were impounded at customs and their distribution was delayed. Approximately 12 percent of the population accessed the internet in 2010, with many residents deterred by the high costs involved, although mobile-telephone usage continued to grow exponentially. Positively, web-based media and blogs have taken on a growing role in the overall media environment, with outlets such as Groundviews and Vikalpa providing news and a range of commentary, even on sensitive stories and events that are otherwise barely covered by the mainstream media. The government has taken some steps to censor the internet, blocking access to a number of news websites. While the majority of the blocks were temporarily put in place around key events such as the January 2010 presidential election, some, such as the bans on the *Lanka eNews* and *TamilNet* websites, remain permanent. In 2010, several news websites that provide content via SMS were forced to self-censor after Dialog, the main telephone operator, refused to relay reports critical of the government through this medium. In addition, staff at *Lanka eNews* faced threats and harassment, with editor Sandaruwan Senadheera going into exile during the year. Many journalists assume that their phone and online communications are monitored.