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SRI LANKA

	2012	2013
INTERNET FREEDOM STATUS	PARTLY FREE	PARTLY FREE
Obstacles to Access (0-25)	16	15
Limits on Content (0-35)	18	20
Violations of User Rights (0-40)	21	23
Total (0-100)	55	58

POPULATION: 21 million

INTERNET PENETRATION 2012: 18 percent

SOCIAL MEDIA/ICT APPS BLOCKED: No

POLITICAL/SOCIAL CONTENT BLOCKED: Yes

BLOGGERS/ICT USERS ARRESTED: Yes

PRESS FREEDOM 2013 STATUS: Not Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- The cabinet expanded the application of the Press Council Act to digital media, introducing operation fees and the threat of prosecution for website owners (see **LIMITS ON CONTENT**).
- Police briefly detained nine staff from two news websites; one of their colleagues survived an apparent abduction attempt (see **VIOLATIONS OF USER RIGHTS**).
- Select ISPs blocked three domestic Tamil-language news sites that documented anti-land grab protests (see **LIMITS ON CONTENT**).
- The exile-run *TamilNet* news website—blocked since 2007—withstood cyberattacks that tried to force it offline (see **VIOLATIONS OF USER RIGHTS**).
- Social media sites spreading anti-Muslim rumors and hate speech attracted thousands of supporters, including top officials (see **LIMITS ON CONTENT**).

INTRODUCTION

Increasing internet penetration in Sri Lanka has encouraged the development of news websites, and more users are leveraging social media for socioeconomic and political activism. Yet the government's efforts to regulate and punish dissenting views have undermined the internet's empowering impact.

Since coming into power in 2005, the ruling United People's Freedom Alliance (UPFA) has pursued an ambitious ICT policy to improve internet access and digital literacy through developments like the e-Sri Lanka project initiated in 2002.¹ However, civil conflict with the Liberation Tigers of Tamil Eelam (LTTE)—which ended in May 2009—hindered investment in the information and communication technology (ICT) sector and expansion of the internet across the country. In January 2007, the government made its first attempt to clamp down on internet freedom in response to reportage on the military campaign against the LTTE and civilian casualties.²

Content restrictions continued post-war. In 2012, a handful of Tamil news websites were blocked and the administration extended a draconian act governing traditional news outlets to online media, undercutting the government's own recognition of the role of ICTs in promoting access to information. Website owners can challenge censorship at the Supreme Court, but one such petition was rejected out of hand in May 2012. Meanwhile, officials from the highest ranks of government openly harassed their critics. Nine website staffers were detained on charges that proved to be spurious, while a journalist working for one of the same platforms narrowly avoided an apparent abduction attempt. He had reason for concern. Another web journalist, Prageeth Ekneligoda, has been missing since 2010, when colleagues believe he was abducted by government agents.

Suppressing opposition is a hallmark of the UPFA government's offline policies, too. In 2013, parliament defied the Supreme Court to dismiss Chief Justice Shirani Bandaranayake for alleged financial misconduct after she blocked passage of an economic development bill involving one of President Mahinda Rajapaksa's brothers.³ Sri Lanka rejected 98 out of 210 recommendations from states participating in the United Nations Human Rights Council's Universal Periodic Review of its human rights practices in November 2012, breaking a record for belligerence—no other participating country has rejected more than 95. Disregarded recommendations included ensuring a climate in which “all citizens are able to freely express their opinions and beliefs, without fear of reprisal or retribution;” undertaking measures to allow “access to public information, in particular on alleged violations of human rights;” and one to “refrain from restricting access to and banning websites.”⁴

¹ Information Communication Technology Agency, “Programmes,” accessed July 2013, <http://www.icta.lk/en/programmes.html>.

² “Tamilnet Blocked in Sri Lanka”, BBC Sinhala, June 20, 2007, http://www.bbc.co.uk/sinhala/news/story/2007/06/070620_tamilnet.shtml.

³ “Sri Lanka Lawyers Boycott Chief Justice Ceremony,” BBC, January 23, 2013, <http://www.bbc.co.uk/news/world-asia-21155932>.

⁴ “Lanka Rejects 98 Recommendations at UPR,” *The Sunday Leader*, November 5, 2012, <http://bit.ly/QijPB1>.

OBSTACLES TO ACCESS

Eighteen percent of the population had internet access in 2012,⁵ as an expanding economic sector and growing youth population drove demand for online services. Government expenditure and private investment in ICTs have led to the implementation of several projects for the development of an island-wide telecommunications infrastructure.⁶ In July 2011, the Telecommunications Regulatory Commission (TRC) announced plans to establish Wi-Fi zones in schools, government buildings and public transport areas to expand access.⁷ A few reports in 2012 indicate some Wi-Fi zones are now available at railway stations and other public areas.⁸

Internet connectivity has become more affordable in the past two years with the cheapest broadband connections priced at just under \$5 a month. Internet service providers (ISPs) lowered monthly rates in 2011 to combat the high market price and low computer ownership that has limited Sri Lanka's broadband penetration.⁹ In January 2013, telecom operators welcomed a move by the TRC to reduce a tax on broadband internet access by 50 percent.¹⁰ This has resulted in lower monthly bills for internet subscribers and an increased customer base.¹¹

The two largest ISPs are Dialog Axiata and Sri Lanka Telecom (SLT). SLT commands more than 50 percent of the market, and a majority of its shares is owned by the state; it also has the largest fiber-optic national backbone.¹² While the broadband market is competitive, there is no legal requirement for SLT to sell backbone access to its competitors. In contrast, Dialog Axiata has allowed wholesale access to its backbone network.¹³

Sri Lanka's mobile penetration was nearly 96 percent in 2012.¹⁴ Mobile broadband connections are increasingly popular, with monthly subscriptions as low as \$3 a month, and the availability of pre-

⁵ International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2012," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

⁶ Ministry of Finance and Planning, "Annual Report 2010," 89, <http://www.treasury.gov.lk/reports/annualreport/AnnualReport2010-eng.pdf>; "Sri Lanka Dialog to Invest US\$150mn in Expansion," *Lanka Business Online*, February 11, 2011, <http://www.lankabusinessonline.com/fullstory.php?nid=754125283>.

⁷ Damith Wickremasekara, "Lanka to Get Wi-Fi Zones," *The Sunday Times* (Colombo), July 31, 2011, http://sundaytimes.lk/110731/News/nws_14.html.

⁸ "Airtel Lanka Paints Trains and Stations Red," *Lanka Business News*, September 27, 2012, <http://www.lankabusinessnews.com/12.09.September/194.Airtel.html>; "SLR to Install Wi-Fi ___ 33 in Top Ten Railway Stations", *Asian Mirror*, September 14, 2012, <http://www.asianmirror.lk/english/index.php/news/10163-slr-to-install-wi-fi-in-top-10-railway-stations->. See also, Dialog, "Wi-Fi Hotspots," accessed July 2013, <http://www.dialog.lk/personal/broadband/wi-fi/wi-fi-hotspots/>.

⁹ Rohan Samarajiva, "Sri Lanka: Leased Line Prices to be Lowered to Encourage BPO Business and Internet Use," *Lirne Asia*, March 9, 2011, <http://bit.ly/hlSXBj>.

¹⁰ "Sri Lanka Reduces Broadband Tax to Promote Internet Use," *Colombo Page*, January 1, 2013, http://www.colombopage.com/archive_12B/Jan01_1357023715CH.php.

¹¹ Rukshana Rizwie, "Telcos Upbeat Over Levy Reduction," *The Nation*, January 6, 2013, <http://www.nation.lk/edition/biz-news/item/14305-telcos-upbeat-over-levy-reduction.html>.

¹² Helani Galpaya, *Broadband in Sri Lanka: Glass Half Full or Half Empty?* (Washington, D.C.: infuse/The World Bank, 2001), <http://www.broadband-toolkit.org/>.

¹³ Galpaya, *Broadband in Sri Lanka*.

¹⁴ International Telecommunication Union, "Mobile-cellular Telephone Subscriptions, 2000-2012."

paid one-time access packages. However, the high cost of internet-capable handsets hinders mobile broadband penetration.¹⁵

With over 7.5 million subscribers,¹⁶ Dialog Axiata is also the largest mobile service provider. Etisalat is the second largest, with 4.2 million customers,¹⁷ followed by SLT subsidiary Mobitel with 3.8 million and Airtel-Bharti Lanka with 1.8 million.¹⁸ Hutchison Telecommunications' client base is under one million.¹⁹ In January 2013, Dialog Axiata introduced the country's first commercial 4G LTE broadband service.²⁰ Other than Mobitel, which announced the launch of its 4G LTE network immediately after Dialog,²¹ other providers have yet to introduce 4G LTE services.²²

Low digital literacy represents a major barrier to ICT use. Although Sri Lanka's literacy rate is approximately 91 percent,²³ only 20 percent of the population knows how to use a computer on their own.²⁴ Digital literacy is lower in rural areas where the high cost of personal computers limits access for lower-income families, schools with digital facilities lack corresponding literacy programs, and software is often incompatible with the Sinhala and Tamil languages. As part of the e-Sri Lanka project, the government's Information Communication Technology Agency has sought to address this imbalance, establishing rural community centers to promote ICT access and services.²⁵ The government also reported computer acquisition rates increasing faster in rural than in urban areas between 2005 and 2009.²⁶ Notwithstanding significant progress in building infrastructure and implementing important e-governance projects like the Government Information Centre, local journalists have criticized certain aspects of the development, saying high-value contracts were awarded based on cronyism, while some facilities complained of faulty equipment.²⁷

There were no recent reports of large-scale interruptions to connectivity during the coverage period of this report, although they have occurred in the past. SLT temporarily severed internet and 8,000 mobile phone connections in the predominantly Tamil-speaking north and east in 2007,

¹⁵ Zulfath Suaheed, "Sri Lanka Mobile Internet Usage Poised for Frowth: Nielsen," *Lanka Business Report*, March 4, 2011, <http://www.lbr.lk/fullstory.php?nid=201103041615077468>.

¹⁶ "UNICEF Partners Dialog on Child Abuse Concerns," *The Sunday Times*, October 7, 2012, <http://bit.ly/19cpm40>.

¹⁷ "Internet Drive," *Lanka Business Online*, August 21, 2012, <http://www.lankabusinessonline.com/fullstory.php?nid=1005071680>.

¹⁸ Bandula Sirimanna, "Mobitel Reached 3.8 Million Subscribers by Nov. 2010," *The Sunday Times*, January 9, 2011, <http://sundaytimes.lk/110109/BusinessTimes/bt46.html>.

¹⁹ "Sri Lanka Hutchison Unit Subscribers Down," *Lanka Business Online*, April 26, 2010, <http://www.lankabusinessonline.com/fullstory.php?nid=682328361>.

²⁰ "Sri Lanka's Dialog Launches 4G-LTE services," *Lanka Business Online*, December 30, 2012, <http://www.lankabusinessonline.com/fullstory.php?nid=1454080943>.

²¹ "Sri Lanka Mobitel Launches 4G-LTE."

²² Duruthu Edirimuni Chandrasekera, "Etisalat to Head Start on 4G," *The Sunday Times*, February 10, 2013, <http://www.sundaytimes.lk/130210/business-times/etisalat-to-head-start-on-4g-31822.html>.

²³ UNICEF, "Sri Lanka Statistics," accessed July 2013, http://www.unicef.org/infobycountry/sri_lanka_statistics.html.

²⁴ Department of Census and Statistics, "Computer Literacy Survey – 2009," http://www.statistics.gov.lk/CLS/BuletinComputerLiteracy_2009.pdf.

²⁵ Nenasala, "Establishment of Nenasalas," accessed July 2013, <http://www.nanasala.lk/>.

²⁶ Media Center for National Development of Sri Lanka, "Computer Literacy Among Sri Lankans is in the Ascension," June 23, 2010, <http://www.development.lk/news.php?news=620>.

²⁷ "ICTA Responds to Business Times Report on E-Government Project," *Business Times*, January 6, 2013, <http://bit.ly/1bmHPwO>.

then center of the conflict with the LTTE, and still a militarized zone.²⁸ The war also caused severe lags in infrastructure development for the northern and eastern provinces. Since its conclusion, the government has made up some of this ground, thereby boosting the regions' economic growth. The process of development, however, has been criticized for causing issues with respect to land ownership that threaten to further marginalize the local Tamil community.²⁹

As a national regulatory body, the TRC's actions lack transparency and independence.³⁰ Under the Eighteenth Amendment of the Constitution ratified in 2011—which removed term limits to the executive presidency—the president can appoint the heads and members of all commissions, subverting legislative guarantees for the independence of the TRC and other statutory institutions.³¹ Rajapaksa cemented control of the TRC by appointing his permanent secretary as its chairman.³² The TRC's interventions to restrict online content and pronouncements on strengthening online regulation have been partisan, extralegal, and repressive.³³

LIMITS ON CONTENT

In 2012, the government restricted content supporting its political opposition, instructing ISPs to block a handful of Tamil news websites. Broader online news reporting also came under heightened limitations. The cabinet amended a punitive Press Council Act to regulate online as well as traditional news media, imposing costly registration and maintenance fees on website owners and leaving them liable to prosecution for content violations. Anti-Muslim hate speech spread on social media, apparently with the backing of top leaders, and has prompted violent attacks.

Local and international freedom of expression groups have documented dozens of websites blocked at different times in Sri Lanka since 2007, though the interventions lack a legal framework or judicial oversight.³⁴ Implementation is not properly coordinated or comprehensive, with some targeted websites available at times on one or more ISPs and at other times completely inaccessible. Officials cite ill-defined national security measures to legitimize these measures, though websites have been blacklisted for content including human rights issues, government accountability, corruption and political violence. Censors have targeted the political opposition and independent news, including Tamil websites, sites run by Sri Lankans in exile, and citizen journalism platforms, though usually without acknowledging a political motive. The government also restricts access to

²⁸ "Cutting off Telecoms in Sri Lanka Redux....," *Groundviews*, January 30, 2007, <http://groundviews.org/2007/01/30/cutting-off-telecoms-in-sri-lanka-redux/>.

²⁹ M.A. Sumanthiran, "Situation in North-Eastern Sri Lanka: A Series of Serious Concerns," *dbsjeyaraj*, October 23, 2011, <http://dbsjeyaraj.com/dbsj/archives/2759>.

³⁰ Under the Telecommunications Act No. 21 of 1994, the Minister of Telecommunications and Information Technology has sole discretion in issuing licenses and imposition of license conditions based on the recommendations of the TRC.

³¹ "Eighteenth Amendment to the Constitution," October 2010, [http://www.priu.gov.lk/Cons/1978Constitution/18th%20Amendment%20To%20Sri%20Lanka%20Constitution%20\(2\).pdf](http://www.priu.gov.lk/Cons/1978Constitution/18th%20Amendment%20To%20Sri%20Lanka%20Constitution%20(2).pdf).

³² Democratic Socialist Republic of Sri Lanka, "Statutory Institutions and Ministries under the Executive President," accessed July 2013, http://www.president.gov.lk/about_presidency.php.

³³ Sarath Kumara, "Sri Lankan government prepares new Internet restrictions," *World Socialist Web Site*, February 15, 2010, <http://www.wsws.org/articles/2010/feb2010/slmd-f15.shtml>.

³⁴ Centre for Policy Alternatives, "Chapter 4: Restriction of Content on the Internet" in *Freedom of Expression on the Internet*, (November 2011), <http://www.scribd.com/doc/73393066/Freedom-of-Expression-on-the-Internet-in-Sri-Lanka>.

pornographic websites, and police sought to ban access to pornography on mobile phones in 2009.³⁵

In 2011, the government announced plans to introduce more comprehensive legislation to control internet use, including the use of Facebook, ostensibly to crackdown on child abuse online.³⁶ As of mid-2013, none had been put forward, and officials rely on vague directives to control content. In 2011, for example, the ministry of mass media and information introduced a registration policy for websites carrying ill-defined “content relating to Sri Lanka or the people of Sri Lanka,”³⁷ a move unsupported by law which could potentially be used to hold owners responsible for information posted by users. Local news outlets reported in early 2012 that the ministry had rejected over 50 registrations due to “false and incomplete” registration details, though how they assessed the veracity and which websites were affected remains unclear.³⁸ And in March 2012, the defense ministry’s Media Centre for National Security directed news organizations to submit SMS news alerts containing content related to “national security and security forces” for prior approval,³⁹ shortly after coverage of the killing of three soldiers in the northern province.⁴⁰ The Centre did not outline a legal basis for the directive; SMS news alerts continue to be disseminated by news operators, but there has been a noticeable lack of coverage of military issues.

Under the current system, state officials monitor websites for sensitive political content and direct the TRC to blacklist them, which in turn requests ISPs to block access. They are compelled to comply: Under the country’s telecommunications act, ISPs must apply to the ministry for mass media and information for a license, according to specifications laid out by the TRC, who can make recommendations regarding whether or not a license is granted; the ministry can also impose conditions on a license, requiring the provider to address any matter considered “requisite or expedient to achieving” TRC objectives.⁴¹ It is not clear if the TRC can impose other financial or legal penalties on telecommunications companies. To date, however, no company is known to have challenged its requests or sought judicial oversight.

It is not clear whether the government has resources to implement deep-packet inspection (DPI) that would enable real time filtering and other, more sophisticated censorship methods. In 2010, local news reports said IT military intelligence experts from China—where such methods are well-established—were assisting the government in blocking “offensive” websites.⁴² Despite anecdotal

³⁵ Indika Sri Aravinda, “Police Seek Mobile Porn Ban,” *Daily Mirror*, May 12, 2010, <http://www.dailymirror.lk/news/3705-police-seeks-mobile-porn-ban.html>.

³⁶ Indika Sri Aravinda, “Government to Monitor Internet,” *The Sunday Leader*, December 18, 2011, <http://www.thesundayleader.lk/2011/12/18/government-to-monitor-internet/>.

³⁷ “Website Ban Further Broadened on News Director General Notification,” *Lanka-E-News*, November 5, 2011, <http://www.lankaenews.com/English/news.php?id=12427>.

³⁸ Sulochana Perera, “Fifty Website Registrations Turned Down,” *Ceylon Today*, March 25, 2012, <http://www.ceylontoday.lk/16-3899-news-detail-fifty-website-registrations-turned-down.html>.

³⁹ “New Censorship of SMS News in Sri Lanka,” *Groundviews*, March 12, 2012, <http://groundviews.org/2012/03/12/new-censorship-of-sms-news-in-sri-lanka/>.

⁴⁰ “New Censorship of SMS News in Sri Lanka,” *Groundviews*.

⁴¹ Centre for Policy Alternatives, *Freedom of Expression on the Internet* (2011), 30.

⁴² Bandula Sirimanna, “Chinese Here for Cyber Censorship,” *The Sunday Times*, February 14, 2010, http://sundaytimes.lk/100214/News/nws_02.html.

reports that some Sri Lankan telecoms have DPI capabilities to enhance mobile data services, however, there is no evidence they have been used to censor content.

ISPs periodically blocked sites hosted both in and outside the country in 2012. In June, Dialog and SLT blocked at least three domestic Tamil-language news websites without advance warning or justification. The sites had reported on protests organized by the Tamil National Alliance, a coalition of Tamil political parties, against alleged government-orchestrated land grabs in the north and east.⁴³ Without official notification of the reason for the blocks, it was not possible to confirm whether they came in reprisal for those reports. The exile-run news website *TamilNet* has been blocked since 2007 for its support of Tamil rebels. Local internet users reported it was patchily accessible through some fixed-line and mobile broadband networks during that time.⁴⁴

In July 2012, the ministry of mass media announced that it would “close down” all websites “engaged in mudslinging campaigns targeting politicians and other individuals.”⁴⁵ Rather than acting against individual sites, however, the ministry directed the cabinet to amend the notorious Press Council Act No.5 of 1973, making news websites subject to the same draconian content regulation as traditional media. The act prohibits the publication of profanity, obscenity, “false” information about the government or fiscal policy, and official secrets. It also allows the president-appointed Council to impose punitive measures on the violators of its provisions, including possible prosecution. The legislation had lain dormant under previous administrations until President Rajapaksa reactivated it after the end of the war in June 2009. Strenuous objections from the international freedom of expression community failed to prevent the government extending the restrictions to digital media.⁴⁶ The amendment instituted a hefty registration fee of LKR 100,000 (\$790), plus an annual renewal fee of LKR 50,000 (\$395), costs which threaten to inhibit the emergence of new websites and force existing ones out of operation.⁴⁷ It failed to define what constitutes “news,” providing leeway for authorities to scrutinize a wider range of online platforms like blogs or social media.⁴⁸

There is no independent body in Sri Lanka content providers can turn to if they are censored. Instead, they must file a fundamental rights application with the Supreme Court to challenge blocking or other restrictions. Lack of trust in the country’s politicized judiciary and fear of

⁴³ “A New Spate of Web Censorship in Sri Lanka?” *Groundviews*, June 26, 2012, <http://groundviews.org/2012/06/26/a-new-spate-of-web-censorship-in-sri-lanka/>.

⁴⁴ Sanjana Hattotuwa, “Tamilnet.com Accessible Once More in Sri Lanka via SLT ADSL,” *ICT for Peacebuilding* (blog), August 5, 2010, <http://ict4peace.wordpress.com/2010/08/05/tamilnet-com-accessible-once-more-in-sri-lanka-via-slt-adsl/>.

⁴⁵ Normas Paliawadana, “Mudslinging Websites Will be Closed—Govt.,” *The Island*, July 3, 2012, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=55928.

⁴⁶ Bob Dietz, “Defense Tools for Sri Lanka’s Online Onslaught,” *CPI Blog*, July 25, 2012, <http://cpi.org/blog/2012/07/defense-tools-for-sri-lankas-online-onslaught.php>; “Media Skeptical over Press Council Act Amendments,” *IFEX*, July 30, 2012, http://www.ifex.org/sri_lanka/2012/08/03/press_council_act/.

⁴⁷ “Rs.100,000 to be Charged from News Websites,” *Daily Mirror*, July 12, 2012, <http://www.dailymirror.lk/news/20228-cabinet approves to amend the press council law.html>.

⁴⁸ “Defining News Hinders Websites Registration,” *The Nation*, July 15, 2012, <http://www.nation.lk/edition/news-online/item/8321-defining-news-hinders-websites-registration.html>.

retaliatory measures represent significant obstacles for the petitioner.⁴⁹ In December 2011, one settled out of court, agreeing to several TRC conditions—such as removing links to blocked content—in return for restored access.⁵⁰

The absence of clear laws and conflicting official statements also complicate the process of launching legal challenges. In November 2011, officials acknowledged blocking at least five locally-hosted news websites, including the *Sri Lanka Mirror* and *Lanka-E-News*, citing concerns about defamation in the wake of stories about corruption and human rights violations that implicated high-ranking officials. One official accused the sites of publishing “character assassinations” of the president, while another said they were blocked for failing to register with the media ministry.⁵¹ Members of the local Free Media Movement brought a fundamental rights petition challenging the ministry’s grounds for blocking unregistered sites—which has no legal basis—but the Supreme Court rejected it in May 2012.⁵²

The government actively encourages self-censorship “on matters that would damage the integrity of the island,” and many mainstream news websites comply, increasing the importance of citizen journalism and exile-run sites to the media landscape.⁵³ Online platforms of the main state-run newspaper and broadcasting network support the UPFA government.⁵⁴ These and official government websites have waged smear campaigns against government critics in the past.⁵⁵

In early 2013, hate speech against the Muslim community spread online when a Sinhala Buddhist extremist group gained a considerable following on social media.⁵⁶ Although most of the webpages supporting these groups have since been removed, they were critical of many Muslim practices, some based on unfounded rumor.⁵⁷ The group’s violent rhetoric led to the attack of mosques and Muslim-owned businesses, as well as isolated incidents of assault.⁵⁸ No legal action was taken

⁴⁹ International Crisis Group, “Sri Lanka’s Judiciary: Politicised Courts, Compromised Rights,” Asia Report No.172, January 30, 2009, <http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/172-sri-lankas-judiciary-politicised-courts-compromised-rights.aspx>.

⁵⁰ S.S. Selvanayagam, “Website Previously Blocked now Permitted to Operate by SC,” *DailyFT*, December 16, 2011, <http://www.ft.lk/2011/12/16/website-previously-blocked-now-permitted-to-operate-by-sc/>.

⁵¹ Charles Haviland, “Sri Lanka blocks websites for ‘maligning’ president,” BBC News, November 7, 2011, <http://www.bbc.co.uk/news/world-asia-15621160>.

⁵² Bob Dietz, “Sri Lanka Supreme Court Slams Door on Websites,” *CPJ Blog*, May 17, 2012, <http://cpj.org/blog/2012/05/sri-lanka-supreme-court-slams-door-on-websites.php>.

⁵³ Dinidu De Alwis, “Media Should Exercise Self-Censorship,” *Ceylon Today*, March 23, 2012, <http://www.ceylontoday.lk/16-3780-news-detail-media-should-exercise-self-censorship-lakshman-yapa.html>.

⁵⁴ “Namal’s Disclosure of Family Embarrassment,” *The Island*, December 21, 2011, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=41622.

⁵⁵ World Organization Against Torture, “Sri Lanka: Smear Campaign Against Ms. Sunila Abeysekara, Ms. Nimalka Fernando, Dr. Paikiasothy Saravanamuttu and Mr. Sunanda Deshapriya,” March 27, 2012, <http://www.omct.org/human-rights-defenders/urgent-interventions/sri-lanka/2012/03/d21700/>; Committee to Protect Journalists, “In Sri Lanka, Censorship and a Smear Campaign,” news alert, July 14, 2009, <http://cpj.org/2009/07/in-sri-lanka-censorship-and-a-smear-campaign.php>.

⁵⁶ Sanjana Hattotuwa, “Anti-Muslim Hate Online in Post-War Sri Lanka,” February 1, 2013, <http://sanjanah.wordpress.com/2013/02/01/anti-muslim-hate-online-in-post-war-sri-lanka/>.

⁵⁷ Charles Haviland, “The Hardline Buddhists Targeting Sri Lanka’s Muslims,” BBC News, March 25, 2013, <http://www.bbc.co.uk/news/world-asia-21840600>.

⁵⁸ Haviland, “The Hardline Buddhists Targeting Sri Lanka’s Muslims.”

against the group's members, and prominent public officials—including the president's brother, Defense Secretary Gotabhaya Rajapaksa—openly supported them.⁵⁹

Despite the restrictions, there are still diverse, accessible sources of information online in English, Sinhala, and Tamil, including on socioeconomic and political issues. Some previously blocked content was available in 2013, including *Colombo Telegraph*, a news and commentary website run by exiled Sri Lankan journalists, which ISPs censored in 2011.⁶⁰ Citizen media site *Groundviews* and its sister site *Vikalpa* were also operating freely, despite SLT temporarily blocking them for a day in 2011.⁶¹ The platforms report on topics that would otherwise not be covered by the mainstream media, provide links to circumvention tools that can be used, and lobbied the United Nations Human Rights Council to address abuses during Sri Lanka's 2012 Universal Periodic Review.⁶² Although online content by Human Rights Watch and Transparency International has been blocked in Sri Lanka in the past when the groups criticized the Rajapaksa administration,⁶³ websites belonging to international media and human rights groups were freely accessible in 2013. A handful of popular blogs publish political content and dissenting narratives. Authorities have temporarily blocked website domains on blog platforms in the past,⁶⁴ but YouTube, Facebook, Twitter and international blog-hosting services were accessible and widely-used for the anonymous or pseudonymous critique of governance, development, and human rights abuses in 2013.

VIOLATIONS OF USER RIGHTS

Sri Lankan authorities have a poor record of abusing vaguely worded laws to imprison or harass legitimate content producers, and arrested nine website staff in 2012 on charges that did not stand up to investigation. Physical attacks and threats against journalists, including many linked to government actors, have decreased since the war and its immediate aftermath. But the failure to investigate past incidents cast a long shadow, perpetuating fear and self-censorship, and significant rights violations persist. In 2013, one web journalist fought off an abduction attempt; another, Prageeth Ekneligoda, remained missing for a third year since his colleagues accused government security forces of abducting him in reprisal for supporting the political opposition in 2010 elections. High-profile leaders publicly threatened individual internet users and journalists with impunity, and obstructed opposition efforts to improve transparency through right to information legislation recommended by a post-war reconciliation commission.

⁵⁹ D.B.S. Jeyaraj, "Defence Secretary Gotabhaya Rajapaksa Openly Supportive of 'Ethno Religious Fascist' Organization Bodhu Bala Sena," *dbsjeyaraj*, March 10, 2013, <http://dbsjeyaraj.com/dbsj/archives/17939>

⁶⁰ "We are Blocked But Will Not be Stopped," *Colombo Telegraph*, December 26, 2011, <http://www.colombotelegraph.com/index.php/we-are-blocked-but-we-will-not-be-stopped/>.

⁶¹ "Groundviews Blocked and Unblocked," *ICT for Peacebuilding* (blog), June 22, 2011, <http://ict4peace.wordpress.com/2011/06/22/groundviews-blocked-and-unblocked/>.

⁶² "#UPRLKA: Complete Tweet Archive and Related Visualisation Around Sri Lanka's UPR Review," *Groundviews*, November 2, 2012, <http://groundviews.org/2012/11/02/uprlka-complete-tweet-archive-and-related-visualisation-around-sri-lankas-upr-review/>.

⁶³ Reporters Without Borders, "Internet Enemies," March 12, 2009, <http://bit.ly/tus9bB>.

⁶⁴ "More Websites Including ghs.google.com Blocked in Sri Lanka?" *ICT for Peacebuilding* (blog), July 29, 2009, <http://ict4peace.wordpress.com/2009/07/29/more-websites-including-ghs-google-com-blocked-in-sri-lanka/>.

While the right to freedom of speech, expression, and publishing is guaranteed under Article 14 (1)(a) of Sri Lanka's constitution, it is subject to numerous restrictions for the protection of national security, public order, racial and religious harmony as well as morality. There is no constitutional provision recognizing internet access as a fundamental right or guaranteeing online freedom of expression. A culture of impunity, circumvention of the judicial process through arbitrary action, and a lack of adequate protection for individuals and their privacy, compound the poor enforcement of freedom of expression guarantees.

The Supreme Court has called freedom of expression from “diverse and antagonistic sources” indispensable to democracy.⁶⁵ In 2012, however, it rejected a fundamental rights petition brought by members of the local Free Media Movement questioning the media ministry's right to block websites for failure to register.⁶⁶ By doing so, it missed a critical opportunity to check the government's use of vague directives to control online content.

Several laws with overly broad scope lack detailed definitions and can be abused to prosecute or restrict legitimate forms of online expression. Computer crimes and intellectual property rights laws allow information contained within computers to be admissible in civil and criminal proceedings. Publishing official secrets, information about parliament that may undermine its work, or “malicious” content that incites violence or disharmony could result in criminal charges.⁶⁷ In 2011, the ministry of justice mooted a new obscene publications act to extend anti-pornography laws to electronic media, but did not correct the existing act's failure to define “obscene.”⁶⁸ Thus far, the ministry has made no announcements regarding the legislation's implementation.

As in past years, the government obstructed right to information legislation which would promote citizens' access to documents held by government agencies and ministries. The Lessons Learnt and Reconciliation Commission—a post-war commission of inquiry appointed by President Rajapaksa in May 2010—recommended RTI legislation as a necessary step towards addressing past and ongoing rights violations.⁶⁹ Yet the government left it to the cabinet to establish a time frame for completing a draft,⁷⁰ and UPFA parliamentarians rejected an opposition-backed bill in 2011 on grounds that the government would table its own version.⁷¹ In July 2012, Secretary to the ministry of mass media and information, Charitha Herath, said national security concerns would continue to

⁶⁵ Centre for Policy Alternatives, *Freedom of Expression on the Internet in Sri Lanka*, (August, 2010), 54, <http://www.eldis.org/vfile/upload/1/document/1008/FOE%20and%20Internet%20in%20Sri%20Lanka.pdf>.

⁶⁶ Bob Dietz, “Sri Lanka Supreme Court Slams Door on Websites,” *CPJ Blog*, May 17, 2012, <http://cpj.org/blog/2012/05/sri-lanka-supreme-court-slams-door-on-websites.php>.

⁶⁷ Respective legislation: Official Secrets Act No. 32 of 1955; Parliament (Powers and Privileges) (Amendment) 1997; Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979.

⁶⁸ “Tough New Laws against Porn,” *Daily Mirror*, October 24, 2011, <http://www.dailymirror.lk/news/14318-tough-new-laws-against-porn.html>.

⁶⁹ The report further recommended that steps be taken to “prevent the harassment and attacks on media personnel and institutions.” See, The Official Website of the Government of Sri Lanka, *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation* (2011), 197-8, http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf.

⁷⁰ Section 9.115e, “National Plan of Action to Implement the Recommendations of the LLRC,” *Government News Portal*, July 26, 2012, http://www.priu.gov.lk/news_update/Current_Affairs/ca201207/20120726national_plan_action.htm.

⁷¹ “Govt. Rejects our Right to Know,” *The Sunday Times*, “The Political Editor,” June 26, 2011, <http://sundaytimes.lk/110626/Columns/political.html>.

delay the bill. Freedom of expression experts noted those concerns were disingenuous, since international RTI legislation routinely prevents documents that would jeopardize national security being released into the public domain.⁷²

In mid-2012, police arrested nine staff from two news websites. Criminal Investigations Department (CID) officials raided the offices of the *Sri Lanka Mirror* and *Sri Lanka X News* in June on grounds of “propagating false and unethical news on Sri Lanka.”⁷³ The action had scant foundation in law. The CID obtained a search warrant and arrested the employees citing violation of Articles 115, 118 and 120 of Sri Lanka’s penal code. Articles 118 and 120 broadly deal with defamation and the incitement of contempt and hatred, although Article 118 was repealed in 2002, and Article 115 covers conspiracy to overthrow government by coercion.⁷⁴ The journalists were released on bail the day after their arrest, though investigators later said their computers contained further grounds for prosecution, including content that violated the Obscene Publications Act—although the alleged obscenity was unpublished⁷⁵—failure to register the website, ridiculing the president, and evidence of an attempted coup.⁷⁶ While the case was finally set aside due to the CID failing to conclude investigations,⁷⁷ the journalists filed a fundamental rights petition with the Supreme Court citing illegal arrest, violation of their right to free expression and legal occupation. Hearings are ongoing. Media activists, rights organizations, and diplomatic missions viewed the arrests as intimidation stemming from the websites’ pro-opposition reporting.⁷⁸ External Affairs Minister G.L Peiris’ defense of the raid compounded that view when he accused the sites of turning “deaf ears to repeated warnings to tone down their coverage.”⁷⁹

Extrajudicial surveillance of personal communications is prohibited under the Telecommunications Act No.27 of 1996. However, a telecommunications officer can intercept communications under the direction of a minister, a court, or in connection with the investigation of a criminal offence. There is no provision under the legislation that requires officials to notify users who are targets of surveillance, and journalists and civil society activists believe their phone and internet communications are monitored.

⁷² Bob Dietz, “No Right to Information in Sri Lanka”, *CPJ Blog*, August 7, 2012, <http://www.cpj.org/blog/2012/08/no-right-to-information-in-sri-lanka.php>.

⁷³ “Websites Propagating False News Sealed—MOD,” *Daily Mirror*, June 30, 2012, <http://www.dailymirror.lk/news/19885-websites-propagating-false-news-sealed-mod.html>.

⁷⁴ Wasantha Ramanayake, “Petitioners Claim They were Arrested Under Law Repealed Ten Years Ago,” *The Sunday Times*, July 29, 2012, <http://www.sundaytimes.lk/120729/news/petitioners-claim-they-were-arrested-under-law-repealed-10-years-ago-7461.html>.

⁷⁵ Farook Thajudeen, “Pornographic Material from Sri Lankamirror Computers—CID,” *Daily Mirror*, July 23, 2012, <http://www.dailymirror.lk/news/20514-phonographic-material-from-srilankamirror-computers-cid.html>.

⁷⁶ “SL Mirror Computers Returned,” *Ceylon Today*, September 18, 2012, <http://www.ceylontoday.lk/13044-print.html>.

⁷⁷ T. Farook Thajudeen, “Sri Lanka Mirror Case Set Aside,” *Daily FT*, September 19, 2012, <http://www.ft.lk/2012/09/19/sri-lanka-mirror-case-set-aside/>.

⁷⁸ Human Rights Watch, “Sri Lanka: Halt Harassment of Media”, July 3, 2012, <http://www.hrw.org/news/2012/07/03/sri-lanka-halt-harassment-media>, “US Concern over Media Harassment,” *Daily Mirror*, June 30th, 2012, <http://www.dailymirror.lk/news/19892-us-concern-over-media-harassment.html>.

⁷⁹ “Sri Lanka FM Hits Back Over Crackdown Criticism,” *NY Daily News*, July 4, 2012, <http://india.nydailynews.com/newsarticle/4ff5d22ec3d4ca667400000a/sri-lanka-fm-hits-back-over-crackdown-criticism>.

Sri Lanka lacks substantive laws for the protection of individual privacy and data. Official statements lauding state surveillance make this absence a particular concern for internet users,⁸⁰ as do policies like website registration, which civil society groups fear could be used to hold registered site owners responsible for content posted by users, or to prevent government critics writing anonymously.⁸¹ Digital activists in Sri Lanka also believe Chinese telecoms ZTE and Huawei, who collaborated in the development and maintenance of Sri Lanka's ICT infrastructure, may have inserted backdoor espionage and surveillance capabilities.⁸²

There were no new reports of arrests made for information shared by e-mail or text message. Sri Lankan police have made such arrests in the past, though whether the content was obtained through extrajudicial surveillance is not clear. Following the 2010 presidential election, a Media Centre for National Security spokesman told local journalists that police had detained "a few people" for text messages criticizing the outcome of the polls, without elaborating.⁸³ News reports said the detainees had disseminated similar content on Facebook and Twitter. The TRC denied tracing critical commentators through social media, and an unnamed source in the telecommunications industry told Sri Lanka's *Sunday Times* the police could have been acting on complaints from message recipients. In 2009, police traced an e-mail containing nude photographs sent to President Rajapaksa and his brother Gotabhaya through an internet protocol address and remanded the sender, who had illegally accessed a personal rival's e-mail account to send the offensive content with motives of revenge.⁸⁴ Local media mistakenly reported that a blogger had been arrested for writing about Rajapaksa online.

A ministry of defense program to register mobile phone users for the purpose of "curbing negative incidents" was introduced in 2008 and revisited in 2010 after service providers failed to ensure that subscribers registered.⁸⁵ Real-name subscriptions are already normal procedure, but the call for registration in 2010 required further information, including photo identification and up-to-date residential details. Unregistered users risk disconnection if they failed to comply, though no cases have been reported.

⁸⁰ "It's Ok for Government to Infiltrate Online Privacy of Sri Lankan Citizens?," *ICT for Peacebuilding* (blog), April 17, 2010, <http://ict4peace.wordpress.com/2010/04/17/its-ok-for-government-to-infiltrate-online-privacy-of-sri-lankan-citizens/>.

⁸¹ Centre for Policy Alternatives, "Arbitrary Blocking and Registration of Websites: The Continuing Violation of Freedom of Expression on the Internet," November 9, 2011, <http://cpalanka.org/arbitrary-blocking-and-registration-of-websites-the-continuing-violation-of-freedom-of-expression-on-the-internet/>.

⁸² ZTE Corporation signed an agreement with Mobitel to develop its 4G LTE network and carried out successful trials in May 2011, while SLT's ADSL infrastructure is supported by Huawei. See, "Sri Lanka's Mobitel and ZTE Corporation Carry Out the First Successful 4G(LTE) Trial in South Asia," ZTE, May 17, 2011, http://www.zte.com.cn/en/press_center/news/201105/t20110517_234745.html; Ranjith Wijewardena, "SLT Tie Up With Huawei to Expand Broadband Internet Coverage," Nanasala, September 29, 2006, http://www.nanasala.lk/article_more.php?id=10; Sanjana Hattotuwa, "Are Chinese Telecoms Acting as the Ears for the Sri Lankan Government?," *Groundviews*, February 16, 2012, <http://groundviews.org/2012/02/16/are-chinese-telecoms-acting-as-the-ears-for-the-sri-lankan-government/>.

⁸³ "Monitoring Cyberspace to Regulate Anti-Govt. Content," February 14, 2010, http://sundaytimes.lk/100214/News/nws_50.html.

⁸⁴ "The Arrest of the 'Blogger' in Sri Lanka: Crowd-Sourcing Trumps Traditional Media Follow Up," *ICT for Peacebuilding*, November 8, 2009, <http://bit.ly/19QWs6j>.

⁸⁵ Bandula Sirimanna, "Sri Lanka to Tighten Mobile Phone Regulations," *The Sunday Times*, October 31, 2010, <http://sundaytimes.lk/101031/BusinessTimes/bt32.html>.

Online reporters, like their counterparts in traditional media, were attacked by forces on both sides during Sri Lanka's civil conflict. Unsolved cases include the 2005 murder of *TamilNet* co-founder Dharmeratnam Sivaram, who was found dead in a high-security area outside parliament.⁸⁶ The UN Human Rights Council adopted a resolution urging the government to investigate war crimes in March 2012, but the trend of violence against traditional journalists and an overarching culture of impunity continues, exacerbating self-censorship and chilling freedom of expression online.

Disappearances continue to be a problem in post-war Sri Lanka: Local English-language media documented 57 incidents between January 1 and July 9, 2012.⁸⁷ International news reports and rights groups say government soldiers are responsible for the notorious "white van" abductions—named after the vehicle often used to carry them out—a claim the administration denies.⁸⁸ Shantha Wijesooriya, an investigative journalist for the news website *Sri Lanka X News*, avoided an apparent abduction attempt in the capital, Colombo, on July 5, fighting off unidentified men in plain clothes when they tried to bundle him into a white vehicle.⁸⁹ *Lanka-E-News* journalist and cartoonist Prageeth Ekneligoda has been missing since January 24, 2010, after the website backed the political opposition in elections. His wife and colleagues believe government agents abducted him, and police have made no effort to investigate his disappearance, despite widespread international pressure.⁹⁰ Officials have denied Ekneligoda is even missing, saying he sought asylum overseas.⁹¹ The inaction on his case, combined with other methods of intimidation including arson attacks and legal harassment, forced *Lanka-E-News* and its editor out of the country.⁹²

Officials harassed and threatened freedom of expression advocates and journalists with impunity in 2012. In March, Minister for Public Affairs, Mervyn Silva, threatened to break the limbs of four individuals—some with a prominent online presence—for criticizing the government at the UN,⁹³ acknowledging he had driven veteran journalist Poddala Jayantha out of the country to support the threat.⁹⁴ Frederica Jansz, editor of the *Sunday Leader* newspaper, fled Sri Lanka in November after Gotabhaya Rajapaksa threatened her during a telephone conversation.⁹⁵

⁸⁶ Committee to Protect Journalists, "Journalists Killed, Sri Lanka: Dharmeratnam Sivaram," accessed January, 2013, <http://www.cpj.org/killed/2005/dharmeratnam-sivaram.php>.

⁸⁷ "A Disappearance Every Five Days in Post-War Sri Lanka," *Groundviews*, August 30, 2012, <http://groundviews.org/2012/08/30/a-disappearance-every-five-days-in-post-war-sri-lanka/#>.

⁸⁸ "Abduction squads in Sri Lanka target foes of powerful," August 22, 2012, <http://www.washingtontimes.com/news/2012/aug/22/abduction-squads-in-sri-lanka-target-foes-of-power/?page=all>.

⁸⁹ Indika Gamage, "Sri Lanka: A Journalist's Abduction Attempt Thwarted," *Journalists for Democracy in Sri Lanka*, July 9, 2012, <http://www.jdslanka.org/index.php/2012-01-30-09-30-42/media/130-sri-lanka-a-journalist-abduction-attempt-thwarted>.

⁹⁰ T. Farook Thajudeen, "Prageeth Ekneligoda Disappearance Case Still Going On," *Daily FT*, December 24, 2011, <http://www.ft.lk/2011/12/24/prageeth-ekneligoda-disappearance-case-still-ongoing/>; Bob Dietz, "UN Heard Eknelygoda's Cry For Help; Husband Still Missing," *CPJ Blog*, May 21, 2011, <http://bit.ly/Gzv9o2>.

⁹¹ Chris Kamalendran, "Ekneligoda Case: Focus on Ex-AG," *The Sunday Times*, December 11, 2011, http://sundaytimes.lk/111211/News/nws_24.html.

⁹² Bob Dietz, "Sandhya Eknelygoda Speaks for Sri Lanka's Disappeared," *CPJ Blog*, September 4, 2012, <http://cpj.org/blog/2012/09/sandhya-ekneligoda-speaks-for-sri-lankas-disappear.php>.

⁹³ "Mervyn Threatens to Break Limbs of Journos," *Daily Mirror*, March 23, 2012, <http://dailymirror.lk/news/17607-mervyn-threatens-to-break-limbs-of-journos.html>.

⁹⁴ Jayantha has lived in exile since six unidentified men abducted and beat him in June 2009. "Arrest This Thug!," *The Nation*, March 25, 2012, <http://www.nation.lk/edition/editorial/item/4312-arrest-this-thug.html>.

⁹⁵ Frederica Jansz, "Gota Goes Berserk," *The Sunday Leader*, July 8, 2012, <http://bit.ly/RBuH9u>.

Cybercrime is a growing problem in Sri Lanka, with illegal breaches of social media and e-mail accounts becoming more common.⁹⁶ Networks associated with the LTTE have been reported attempting to hack into national security networks and carry out web defacement attacks.⁹⁷ The government has recognized the need to strengthen its defensive capability, yet critics fear technology bought for this purpose could be used to restrict legitimate expression.⁹⁸

Cyberattacks have also targeted government critics. Twice in 2012, in February and September, *TamilNet* reported it had been hit with distributed denial of service (DDoS) attacks, which force a website to crash by bombarding its host server with requests for information.⁹⁹ These attacks cannot be definitively attributed the government agents. However, Media Minister Keheliya Rambukwella openly publicized his intent to incapacitate the site as early as June 2007. “We are looking for hackers to disable...*TamilNet* but could not find anyone yet,” he told journalists.¹⁰⁰

⁹⁶ “681 SL Cyber Security Incidents So Far in 2011,” *The Sunday Times*, October 16, 2011, <http://www.sundaytimes.lk/111016/BusinessTimes/bt31.html>.

⁹⁷ “Sri Lanka Army Commander says Cyber War Still Continues,” *Colombo Page*, February 22, 2011, http://www.colombopage.com/archive_11/Feb22_1298388902CH.php.

⁹⁸ Centre for Policy Alternatives, *Freedom of Expression on the Internet* (2011), 42.

⁹⁹ “TamilNet: 27.02.12 DDoS Attack Disrupts TamilNet Web Traffic,” *TamilNet*, February 27, 2012, www.tamilnet.com/art.html?catid=13&artid=34927; “TamilNet: 29.09.12 DDoS Attacks on TamilNet Foiled,” *TamilNet*, September 29, 2012, www.tamilnet.com/art.html?catid=13&artid=35610.

¹⁰⁰ “TamilNet Blocked in Sri Lanka,” BBC Sinhala, June 20, 2007, http://www.bbc.co.uk/sinhala/news/story/2007/06/070620_tamilnet.shtml.