

Freedom of Expression and the Internet in Sri Lanka

Table of cases and issues

Centre for Policy Alternatives

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CENTRE FOR POLICY ALTERNATIVES

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The Centre for Policy Alternatives (CPA) is an independent, non-partisan organization that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

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Case / Example	Government response(s), including details of any Police complaints and investigations	Any statements from local and international media freedom organisations	Existing legal framework, jurisprudence in relation to case / example
Blocking Pornography			
<p>In August 2008 the President had ordered the country's Telecommunication Regulatory Commission (TRC) to block access to adult entertainment websites.</p> <p>[See section from Report on the diminishing space for freedom of expression online – the fight on pornography]</p> <p>Source: Stephen Yegielowicz, 'Sri Lanka Blocks Internet Porn', XBIZ News Report, 6 August 2008 <http://www.xbiz.com/news/all/97488> accessed 25 July 2010.</p>	<p>Then TRC, DG, Priyantha Kariyapperum stated that</p> <p>With the wide expansion of access to the Internet there has been increasing concern about the exposure of children to obscene and pornographic material over the past few years".</p> <p>Further explained that the move was meant to address the serious threat posed to children who visit websites meant for adult audiences. Sri Lankan ISPs will filter out sexually explicit materials by default only making it available to adults who request it, by paying and getting a password.</p> <p>Source: Stephen Yegielowicz, 'Sri Lanka Blocks Internet Porn', XBIZ News Report, 6 August 2008 <http://www.xbiz.com/news/all/97488> accessed 25 July 2010.</p> <p>In any event, to date the directive has not been effectively implemented. Foreign pornography websites continue to be available even on an SLT (the state</p>	<p>LIRNEasia criticised the move, noting that that regulating pornography is not within TRC's mandate. Further that if this ban was strictly enforced then it could result in Gmail and Yahoo mail sites also being banned, as pornographic video content could easily be distributed via email.</p> <p>Source: Chanuka Wattedgama, 'Sri Lanka Pornography Regulatory Commission?', LIRNEasia, 2 August 2008 <http://lirneasia.net/2008/08/sri-lanka-pornography-regulatory-commission/> accessed 1 August 2010.</p>	<p>In Sri Lanka currently there are several laws that could be used to block access to pornography. For example legislation such as the Public Performance Ordinance No 7 of 1912 (as amended), Obscene Publications Ordinance No 4 of 1927 (as amended), and Profane Publications Act No 41 of 1958 could be used to block pornography. [See section from Report on Legal Limits to freedom of expression in Sri Lanka]</p> <p>Article 14(1) (a) of the Sri Lankan Constitution protects freedom of expression. However Article 14(1) (a) is subject to a host of restrictions. The Courts generally have a conservative attitude when it comes to construing constitutional provisions. This is especially the case where freedom of speech has been limited by national security legislation. [See section from Report on Freedom of expression in Sri Lanka]</p> <p>In America, the Supreme Court held that though removing access to pornographic content from children is acceptable, withholding adult access to such content would be in violation of the first amendment (<i>ACLU v Reno</i> 535 U.S. 1 (2002)). However, the American first amendment is far broader in scope than the Sri Lankan Article 14(1) (a).</p> <p>In Australia, though short of banning all</p>

	owned ISP) Internet connection.		<p>pornography, the government is taking steps to ban certain prescribed material. [See section from Report on <u>Global trends in Internet regulation – government efforts to regulate content</u>]</p> <p>Source: Information Policy, ‘Australia: Measures to Improve Safety of the Internet for Families’, Information Policy, 2 July 2010 < http://www.i-policy.org/2010/07/australia-measures-to-improve-safety-of-the-internet-for-families.html> accessed 4 July 2010.</p> <p>Critics of Chinese attempts to block pornography have pointed out that, the Chinese government under the auspices of ‘blocking vulgarity’ has also blocked other social and political content that is critical of Chinese government.</p>
<p>In August 2008, it was further reported that the National Child Protection Authority of Sri Lanka is considering blocking pornography on mobile phones.</p> <p>Source: Chanuka Wategama, ‘Sri Lanka: Now Internet porn banned, it is time to immobilise mobile porn’, LIRNEasia, 26 August 2008 < http://lirneasia.net/2008/08/sri-lanka-now-internet-porn-banned-it-is-time-to-</p>		<p>LIRNEasia criticised the move, pointing out that the authorities had failed to understand the technical knowhow required to implement such a ban.</p> <p>Source: Chanuka Wategama, ‘Sri Lanka: Now Internet porn banned, it is time to immobilise mobile porn’, LIRNEasia, 26 August 2008 < http://lirneasia.net/2008/08/sri-lanka-now-internet-porn-banned-it-is-time-to-immobilise-mobile-porn/> accessed 1 August 2010.</p>	<p>See above comments regarding the blocking of pornography.</p>

<p>immobilise-mobile-porn/ > accessed 1 August 2010.</p>			
<p>In June 2009 on an application brought by the Inspector General of Police, Colombo Magistrates Court ordered the TRC to ban twelve Sri Lankan pornography websites.</p> <p>[See section from Report on the diminishing space for freedom of expression online – the fight on pornography]</p> <p>Source: Sanjana Hattotuwa, 'Banning Sri Lankan porn online: a couple of month after', ICT for Peacebuilding, 31 January 2010 < http://ict4peace.wordpress.com/2010/01/31/banning-sri-lankan-porn-online-a-couple-of-months-after/> accessed 4 April 2010.</p>	<p>It was reported that the authorities suspected 'an international conspiracy to tarnish the image of the country'.</p> <p>Source: Chanuka Wattedgama, 'Sri Lanka bans local sex sites; but keeps international porn open', LIRNEasia, 25 July 2009 <http://lirneasia.net/2009/07/sri-lanka-bans-local-sex-sites-but-keeps-international-porn-open/> accessed 1 August 2010.</p>	<p>LIRNEasia mocked the move commenting that:</p> <p>One may term the act anti-protectionist, because while the local production is blocked the vast majority of international porn sites still remain open.</p> <p>Source: Chanuka Wattedgama, 'Sri Lanka bans local sex sites; but keeps international porn open', LIRNEasia, 25 July 2009 <http://lirneasia.net/2009/07/sri-lanka-bans-local-sex-sites-but-keeps-international-porn-open/> accessed 1 August 2010.</p>	<p>See above comments regarding the legality of blocking pornography.</p> <p>As far as CPA is aware there were no appeals against this decision. A CPA effort to gain access to this decision was unsuccessful.</p> <p>Once again the extent to which the court order has been implemented is questionable. Ironically this official ban on websites appears to be less effective than the unofficial ban on websites such as Tamilnnet.com. Four of the twelve banned pornographic websites continue to be available through a Dialog Internet connection.</p> <p>Source: Sanjana Hattotuwa, 'Banning Sri Lankan porn online: a couple of month after', ICT for Peacebuilding, 31 January 2010 < http://ict4peace.wordpress.com/2010/01/31/banning-sri-lankan-porn-online-a-couple-of-months-after/> accessed 4 April 2010.</p>
<p>In May 2010 it was reported that the Women and Child's Bureau within the Police has formally requested from the TRC that pornography websites be banned from mobile phones.</p>	<p>Director General of the TRC has confirmed that it had received such a request, but has advised that to date it is waiting on Cabinet approval prior to implementing such a ban.</p> <p>Source: Daily Mirror, 'Police seek mobile</p>		<p>See above comments regarding blocking of pornography.</p>

<p>[See section from Report on <u>The diminishing space for freedom of expression online – the fight on pornography</u>]</p> <p>Source: Daily Mirror, 'Police seek mobile porn ban', Daily Mirror, 12 May 2010 <http://srilankanewsfirst.com/politics/17315.html> accessed 3 July 2010.</p>	<p>porn ban', Daily Mirror, 12 May 2010 <http://srilankanewsfirst.com/politics/17315.html> accessed 3 July 2010.</p>		
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Blocking and filtering online content

<p>Reported that Telecommunications Regulatory Commission (TRC) to introduce legislation that would require all news websites to register with the TRC. Controls are also to be imposed on the Google search engine. Further it was reported that IT experts of China's Military Intelligence Division will be travelling to Sri Lanka to assist the TRC to implement the new rules.</p> <p>It was also suggested that World Bank funds will be used to carry out these initiatives. [See section from</p>	<p>It was reported in the press that the President ordered that any such program be suspended. However TRC DG Anusha Palpitiya acknowledged that monitoring could not be ruled out.</p> <p>Source: B Srimanna, 'President halts cyber censorship', The Sunday Times, 21 February 2010</p> <p>Subsequently the World Bank issued a statement asserting that there is no scope to utilize World Bank funds for an Internet censorship program</p> <p>Source: B. Muralidhar Reddy, 'World Bank clarifies stand on Sri Lankan</p>	<p>Citing this example among others, RSF commented as follows:</p> <p>In the wake of the military victory over the Tamil Tigers and presidential elections held in an environment of propaganda and intimidations, Sri Lanka is re-emerging with a government visibly determined to intensify its control of Internet-based information.</p> <p>Source: Reporters Without Borders, 'Countries under surveillance 2010- Sri Lanka', Reporter Without Borders, 18 March 2010 <http://www.unhcr.org/refworld/docid/4c21f668c.html> accessed 5 July 2010.</p>	<p>Former Director General Rohan Samarajiva pointed out that under its legislative framework, the TRC does not have the necessary legal authority to carry out the suggested measures. [See section from Report on <u>Internet in Sri Lanka Regulatory Framework</u>]</p> <p>Source: Rohan Samarajiva, 'Quo Warranto TRC?', Lirneasia, 14 February 2010 <http://lirneasia.net/2010/02/quo-warranto-trc/> accessed 4 April 2010.</p> <p>Further existing jurisprudence that prohibits arbitrary stopping of television programs and the imposition of unequal restrictions on media organisation, can be used to challenge the legality of such measures. [See section from Report on <u>Freedom of expression in Sri Lanka – Application to the Internet</u>]</p>
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<p>Report on <u>the diminishing space for freedom of expression online</u></p> <p>Source: B Sirimanna, 'Chinese here for cyber censorship' The Sunday Times, 14 February 2010</p>	<p>Telecom Body', The Hindu, 15 February 2010 <http://beta.thehindu.com/news/international/article107208.ece> accessed 4 April 2010.</p>		
<p>www.tamilnet.com continues to be blocked by all major ISPs.</p>	<p>At the time, then government spokesperson and current Media Minister Keheliya Rambukwella denying any government involvement in the blocking of Tamilnet.com added that 'the government is looking to hire hackers to disable Tamilnet but could not find anyone yet'</p> <p>Source: BBC, 'Tamil Net Blocked in Sri Lanka', BBC <http://www.bbc.co.uk/sinhala/news/story/2007/06/070620_tamilnet.shtml> accessed 4 April 2010.</p>	<p>Article 19, an international Human Rights group, condemned the government for cutting off an important source of independent and alternative views.</p> <p>Source: Article 19, 'Sri Lanka News Agency Blocked in Attack on Press Freedom', 20 June 2007 <http://www.article19.org/pdfs/press/sri-lanka-tamilnet-blocked.pdf> accessed on 4 April 2010.</p> <p>Local media watchdog Free Media Movement criticized the government as follows:</p> <p>The ban on Tamilnet is the first instance of what the FMM believes may soon be a slippery slope of web & Internet censorship in Sri Lanka. It is also a regrettable yet revealing extension of this Government's threats against and coercion of print and electronic media in Sri Lanka since assuming office in late 2005....</p>	<p>What is important to note in this instance is that no legal process was followed. This instance of blocking a website, as is the case with many of the violations of freedom of expression was entirely extralegal.</p>

		<p>The FMM stresses that the danger of censoring the web & Internet is that it gives a Government and State agencies with no demonstrable track record of protecting & strengthening human rights and media freedom flimsy grounds to violate privacy, curtail the free flow of information and restrict freedom of expression</p> <p>Source: Lanka Business Online, 'Slippery Slope Sri Lanka media body slams moves to block Internet', 20 June 2007 < http://www.lankabusinessonline.com/fullstory.php?SEARCH_TERM=33&newsID=1539658495&no_view=1> accessed 4 April 2010.</p>	
<p>Other websites such as TamilCanadian.com, Lankanewsweb.com, Nidahasa.com, and lankaenews.com are currently blocked in Sri Lanka</p> <p>Source Kumar David, 'Implications of an Information Dark Age', Lakbima News, 21 February 2010 < http://ict4peace.files.wordpress.com/2010/02/lakbima-21-2-2010.pdf> accessed</p>		<p>RSF, noted these bans and stated that</p> <p>Despite the end of the bloody civil war that has decimated the country for decades, the repression of dissident voices continues, and may well become commonplace.</p> <p>Source: Reporters Without Borders, 'Countries Under Surveillance – Sri Lanka', Reporters Without Borders, 12 Marc 2010 < http://en.rsf.org/IMG/article_PDF/sri-lanka-sri-lanka-12-03-2010,36672.pdf> accessed 1 August</p>	<p>See above comments regarding legality of blocking websites.</p>

<p>18 May 2010.</p>		<p>2010.</p> <p>Local journalist, Kumar David condemned these blocks and commented that</p> <p>the purpose [of the blocks] is to prevent exposure of corruption, abuse of power and revelations of dynastic antics</p> <p>Source Kumar David, 'Implications of an Information Dark Age', Lakkbima News, 21 February 2010 < http://ict4peace.files.wordpress.com/2010/02/lakkbima-21-2-2010.pdf> accessed 18 May 2010.</p>	
<p>Though not completely blocked during the latter part of the war the website of Human Rights Watch remained regularly inaccessible</p> <p>Source: Reporters Without Borders, Internet Enemies – Countries under surveillance: Sri Lanka, 12 March 2009 < http://www.unhcr.org/refworld/docid/4a38f97c.html> accessed 4 April 2010.</p>		<p>UNHCR's Ref World featured a report from Reporters Without Borders (RSF) that raised fears over a regime of internet censorship in Sri Lanka.</p> <p>Since the escalation of fighting in the country at the end of 2008, news posted online has increasingly become the target of restrictions. The website of Human Rights Watch is regularly inaccessible, which has given rise to general fear of Internet censorship, which until now principally hits websites seen as pro-Tamil Tigers. The defence ministry released a report on 11 December 2008 on its</p>	<p>See above comments regarding legality of blocking websites.</p>

		<p>website defence.lk in which it called reports on Sinhala service of the BBC world service “diabolical lies”</p> <p>Source: Reporters Without Borders, Internet Enemies – Countries under surveillance: Sri Lanka, 12 March 2009 < http://www.unhcr.org/refworld/docid/4a38f97c.html> accessed 4 April 2010.</p>	
<p>Though not shut down, the Attorney General’s Department noted that ‘the government has received a complaint that the Tamil National Alliance website directly contributes towards dividing the country and that it promotes the concept of a separate Eelam state’</p> <p>Source: The Bottom Line, ‘Plans to kill TNA website?’, The Bottom Line, 9 April 2008 < http://www.thebottomline.lk/2008/04/09/B38.htm> accessed 3 July 2010.</p>		<p>Local blog ICT4Peace reported the story and noted with alarm that given the government’s record on blocking websites, especially Tamil content, the TNA website may also be blocked.</p> <p>Source: Sanjana Hattotuwa, ‘Website of Tamil political party in Sri Lanka under investigation’, ICTforpeacebuilding, 6 August 2008 < http://ict4peace.wordpress.com/2008/04/06/website-of-tamil-political-party-in-sri-lanka-under-investigation/> accessed 1 August 2010.</p>	<p>There are several laws that could potentially prohibit content on the TNA website.</p> <p>Article 157A of the Sri Lankan Constitution provides that No person shall, directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka.</p> <p>Further the Prevention of Terrorism (Temporary Provisions) Act No 48 of 1979 (PTA) act prohibits expression that among other things cause communal ill will. [See section from Report on Legal limits to freedom of expression in Sri Lanka – National Security Laws]</p> <p>Further there are host of Emergency Regulations that prohibit expression relating to a separatists cause.</p>
On the eve of the		Reporters without Borders	See above comments regarding the blocking of

<p>Presidential election a number of Sri Lankan news websites were also blocked. [See section from Report on Diminishing space for freedom of expression online]</p> <p>Source: BBC, 'Sri Lanka news websites 'blocked'', BBC, 27 January 2010 <http://www.bbc.co.uk/sinhala/news/story/2010/01/100127_lankaenews_rsf.shtml> accessed 18 May 2010.</p> <p>Reporters Sans Frontiers, 'Websites blocked just hours before poll results due to be announced', Reporters Sans Frontiers, 26 January 2010 <http://en.rsf.org/sri-lanka-websites-blocked-just-hours-before-26-01-2010,36213> accessed 18 May 2010.</p>		<p>condemned the government, stating that</p> <p>Such censorship reflects a beleaguered government's nervousness and readiness to resort to manipulation...The free flow of news and information during an election offers one of the few guarantees against massive fraud. We urge the government to restore access to these sites</p> <p>Source: Reporters Sans Frontiers, 'Websites blocked just hours before poll results due to be announced', Reporters Sans Frontiers, 26 January 2010 <http://en.rsf.org/sri-lanka-websites-blocked-just-hours-before-26-01-2010,36213> accessed 18 May 2010.</p> <p>The Committee to Protect Journalists (CPJ) noted its alarm, and stated that The Independent Election Commission and the Sri Lankan government must act immediately to make sure there are no restrictions on the media — broadcast, print, or digital — as presidential vote counting goes ahead</p> <p>Source: Committee to Protect Journalists, 'Sri Lankan websites</p>	<p>websites.</p>
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		<p>blocked amid election', 26 January 2010 < http://cpj.org/2010/01/sri-lankan-web-sites-blocked-amid-election.php> accessed 1 August 2010.</p> <p>Further the BBC reported on these blocks, and also noted condemnation of the blocks by media watchdog organisations.</p> <p>Source: BBC Sinhala, 'Sri Lanka news websites 'blocked'', 27 January 2010 < http://www.bbc.co.uk/sinhala/news/story/2010/01/100127_lankaenews_rsf.shtml> accessed 1 August 2010.</p>	
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Efforts to regulate online content

<p>In recent months, pedestrians who filmed public bomb attacks on their mobile phones have been confronted by the police. One citizen who passed on such footage to an independent TV channel was later vilified as a 'traitor'.</p> <p>Source: Nalaka Gunawardena, 'Endangered: Our right to 'shoot' in public', Groundviews, 13 February 2008, <http://www.groundviews.org/2008/02/14/endangered-our-right-to-shoot-in-public/> accessed 27 July 2010</p>			<p>Liberal democracies including the US and France have also tried to clamp down on user generated content (USG). Under current French law it is an offence to film or broadcast acts of violence by people other than professional journalists. [See section from Report on Global trends in Internet regulation – government efforts to regulate online content]</p> <p>Source: Peter Sayer, 'France bans citizen journalists from reporting violence', Macworld, 6 March 2007 <http://www.macworld.com/article/56615/2007/03/franceban.html> accessed 18 May 2010.</p>
<p>Private Television Broadcasting Regulations were promulgated on 10 October 2008.</p> <p>If implemented the Regulations may have had a particularly negative impact on online video content.</p> <p>[See section from Report from Report on the</p>		<p>From the outset FMM criticised the Regulations noting that they were cause for serious alarm.</p> <p>Source: Free Media Movement, 'On the new Private Television Broadcasting Regulations', Free Media Movement, 30 October 2008 <http://freemediasrilanka.wordpress.com/2008/10/30/on-the-new-private-television-broadcasting-station-regulations/> accessed 18 May 2010.</p>	<p>A case was filed against these Regulations as soon as they were gazetted. The initial challenge was successful in getting the Supreme Court to grant an interim order suspending the enforcement of the Regulations.</p> <p>In other jurisdictions such as the European Union, lawmakers have drawn a distinction between services such as IPTV and Activities which are primarily non-economic and which are not in competition with television broadcasting, such as private website and services consisting of the</p>

<p><u>diminishing space for freedom of expression online – efforts to regulate online content]</u></p>			<p>provision or distribution of audiovisual content generated by private users for the purposes of sharing and exchanging within communities of interest</p> <p>Source: Directive 2007/65/EC Audiovisual Media Services Directive. April 2007. < http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:332:0027:0045:EN:PDF></p>
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Surveillance and Privacy Issues

<p>In February 2009 LTTE air attacks on Colombo, Editor of the Tamil language newspaper Sudar Oli, Nadesapillai Vithyatharan was arrested for assisting the rebels carry out the attacks. The evidence alleged against Vithyatharan included inter alia a 'suspicious' telephone conversation between Vithyatharan and his brother in law, immediately after the air attack. [See section from Report from Report on <u>The Diminishing space for freedom of expression online – Surveillance</u>]</p> <p>Source: Ravi Nessman, 'Nadesapillai Vithyatharan, Sri Lanka editor, Arrested</p>		<p>Human Rights Watch condemned the arrest commenting that it shows the open contempt the government has for Sri Lanka's independent media</p> <p>Source: Human Rights Watch, 'Newspaper editor Nadesapillai Vithyatharan severely beaten in prison', IFEX, 1 March 2009 < http://www.ifex.org/sri_lanka/2009/03/02/newspaper_editor_nadesapillai_vithyatharan/ > accessed 1 August 2010.</p> <p>The CPJ condemned the arrest as follows:</p> <p>The nature of his arrest and the allegations that he was somehow involved in an aerial attack on Colombo point to more government repression of critical reporting. We call for his immediate release and are concerned that like other arrested journalists he will be held for lengthy period. This is a tactic we have seen before in Sri Lanka</p> <p>Source: Committee to Project Journalists, 'Tamil</p>	<p>In Sri Lanka privacy protection prohibiting surveillance can be found in several legislative enactments (Sri Lanka Telecommunications Act No. 25 of 1991 (As Amended), s 47, s52, 53, 54(1) s 54(3))</p> <p>However the Telecom Act has also been the subject of criticisms as several provisions potentially serve to undermine privacy. [See section from Report on <u>The Internet and Privacy – legislative framework</u>]</p>
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<p>and Accused of Aiding Rebel Strike', Huffington Post, 26 February 2009 < http://www.huffingtonpost.com/2009/02/26/nadesapillai-vithyatharan_n_170168.html > accessed 18 May 2010.</p> <p>Nadesapillai Vithyatharan Fundamental Rights Application under s 126 of the Constitution, paragraph 35.</p>		<p>editor arrested in Sri Lanka', 26 February 2009 < http://cpj.org/2009/02/tamil-editor-arrested-in-sri-lanka.php > accessed 1 August 2010.</p> <p>Further the arrest was also reported on widely by leading media organisations around the world.</p>	
<p>In January 2010, it was reported that the TRC was monitoring Facebook activity as users were allegedly defaming prominent personalities and spreading false rumours about the government. [See section from Report on The Diminishing space for freedom of expression online – Surveillance]</p> <p>Source: Rathindra Kuruwita, 'Facebook users come under scrutiny', Lankanewspapers.com, 31 January 2010 < http://www.lankanewspapers.com/news/2010/1/53532_</p>	<p>Lakshman Hullugalle, the director of the Media Centre for National Security, explained the government's motives as follows: if a government official has something bogus circulated about him, he has no way of answering or correcting it. There is a way of criticizing people. Once the damage is done, it is difficult to correct it. We can't allow these people to do whatever they want. We want to go into these details, find out the people behind this and stop it</p> <p>Further, Wijedasa noted in her article, that her effort to get a response from the TRC was unsuccessful.</p> <p>Source: Namini Wijedasa, 'Police-state watches Facebook', Journalists for</p>	<p>Local blog Journalists for Democracy in Sri Lanka questioned the motives as follows:</p> <p>Is the move to regulate the Internet the work of a government that is admissibly concerned about scurrilous 'information' concocted to achieve certain political ends? Or is this the work of a government which recently recognized the Internet as a power that could shake its supremacy by relaying the truth to its voters? Would a paranoid government soon treat dissent - a key outlet for which is the Internet - as intolerable?</p> <p>Source: Namini Wijedasa, 'Police-state watches Facebook', Journalists for Democracy in Sri Lanka, 7 February 2010 < http://www.jdslanka.org/2010/02/police-state-watches-facebook.html > accessed 1 August 2010.</p>	<p>Such moves are worrying given the limited privacy protection available under Sri Lankan law. Under the Roman Dutch common law of Sri Lanka the Courts have recognized a right to privacy in limited circumstances. As noted above various legislative enactments that prohibit surveillance and other forms of intercepting communications also provide some legal basis for protecting individual privacy. However the Sri Lankan Constitution does not provide for a right to privacy. [See section from Report on Internet and Privacy – Constitutional Protection]</p>

<p>space.html> accessed 16 July 2010.</p>	<p>Democracy in Sri Lanka, 7 February 2010 < http://www.jdslanka.org/2010/02/police-state-watches-facebook.html > accessed 1 August 2010.</p>		
<p>In July 2010, it was reported that the Women and Child’s Bureau of the Police had received over 50 complaints against Facebook. Among the complaints were allegations that photos on Facebook were being stolen and being turned in to ‘indecent images’.</p> <p>Source: Indika Sri Aravinda, ‘Complaints against Facebook’, Daily Mirror, 13 July 2010 < http://www.dailymirror.lk/index.php/news/5055-complaints-against-facebook-.html> accessed 16 July 2010.</p>	<p>To date the TRC has responded that they had not received any complaints concerning Facebook. Anusha Palpitya, the TRC Director General went so far as to state that ‘access to Facebook is a human right so we can’t take measures to block the site... if we take measures to block the site, the Internet speed will reduce and this will affect the country’s reputation in the technological aspect’.</p> <p>Source: Indika Sri Aravinda, ‘Complaints against Facebook’, Daily Mirror, 13 July 2010 < http://www.dailymirror.lk/index.php/news/5055-complaints-against-facebook-.html> accessed 16 July 2010.</p>	<p>LIRNEasia also reported the story, and noted the government’s inconsistent responses to such issues.</p> <p>Source: Chanuka Wategama, ‘Access to Facebook is a human right – Sri Lanka’s TRC chief’, LIRNEasia, 14 July 2010 < http://lirneasia.net/2010/07/access-to-facebook-is-a-human-right-%E2%80%93-sri-lanka%E2%80%99s-trc-chief/ > accessed 1 August 2010.</p>	<p>Concern over the legality of content on Facebook was the subject of several South Asian Nations. Recently in Pakistan, a court ordered that a host of popular websites sites such as Facebook, Flickr, and Wikipedia be banned as they violated Pakistani blasphemy laws. However on appeal, the Court restored access to most sites as ‘[it] couldn’t block access to information’. Following the example from Pakistan, weeks later Afghanistan announced that it too will be filtering the popular sites Google, Facebook, Twitter as they may contain content that is ‘immoral and against the traditions of Afghani people’ [See section from Report on <u>Global Trends in Internet Regulation – Government efforts to regulate content</u>]</p> <p>Source: Adam E. Ellick, ‘Pakistani court orders access to facebook restored’, New York Times, 31 May 2010 < http://www.nytimes.com/2010/06/01/world/asia/01pstan.html> accessed 1 June 2010; BBC, ‘Pakistan to monitor Google and Yahoo for ‘blasphemy’’, BBC, 25 June 2010 < http://news.bbc.co.uk/2/hi/south_asia/10418643.stm > accessed 3 July 2010;</p>

			<p>Zeeshan Haider, 'Pakistan to monitor Google, others for blasphemy', Reuters, 25 June 2010 < http://in.reuters.com/article/idINIndia-49655320100625?feedType=RSS&feedName=everything&virtualBrandChannel=11709> accessed 3 July 2010.</p>
<p>It was reported that Sri Lankan Army intelligence officials and officers from N.I.B are now infiltrating facebook to collect information on supporters of Sarath Fonseka and critics of Mahinda Rajapakse</p> <p>[See section from Report on The Diminishing space for freedom of expression online – Surveillance]</p> <p>Source: Sri Lankan Guardian, 'Sri Lankan Intelligence infiltrates Facebook- Gota behind the move', Sri Lankan Guardian, 24 February 2010, accessed 27 July 2010 < http://www.srilankaguardian.org/2010/02/sri-lankan-intelligence-infiltrates.html></p>	<p>A week later, Defence secretary Gotabaya Rajapaksa was asked the question 'is it ethical for a government to infiltrate in to online privacy of Sri Lankan citizens by gathering information with regard to their political affiliations?</p> <p>He responded as follows:</p> <p>Actually if we could do that it would be good, however as a third world country we don't have that facility. But in all other developed countries they monitor emails, telephone conversations, SMS and people in the streets...Our ID card system is not effective, so we have to introduce a better system... We don't have a closed circuit television (CCTV) surveillance system in Colombo; whereas in all other big cities they are monitored...we can't monitor sms's or emails, we need to have such a system but we don't and are not doing it</p> <p>[See section from Report on The Diminishing space for freedom of expression online – Surveillance]</p>	<p>Local blog ICT4Peace reported Mr Rajapaksa's response and noted that</p> <p>Prima facie, what Gotabaya Rajapaksa points to is certainly desirable from the perspective of intelligence operations to thwart terrorism. But the real fear, given the government's noted tendency to clamp down on dissent and political opposition is that a sophisticated surveillance system will lead to persecution, execution and censorship – in sum, a system in the control of a few in government to contain and control media and content.</p> <p>Source: Sanjana Hattotuwa, 'It's ok for government to infiltrate online privacy of Sri Lankan citizens?', ICT4peacebuilding, 17 April 2010 < http://ict4peace.wordpress.com/tag/mobile/ > accessed 1 August 2010.</p>	

	Source: Dianne Silva, 'USA only sympathetic towards Fonseka: Gota', Daily Mirror 1 March 2010, p A7.		
<p>Indika Gamage, Editor of Lanka Dissent alleged in May 2008 that the website was subject to hacking attempts that disrupted its news and reporting services.</p> <p>[See section from Report on The Diminishing space for freedom of expression online – Surveillance]</p> <p>Source: The Nation, 'Unidentified groups attack Mangala's news website', The Nation on Sunday, 18 May 2008 <http://www.nation.lk/2008/05/18/news11.htm> accessed 3 July 2010.</p>	<p>Ministry of Defence denied these allegations and threatened legal action if they were not retracted.</p> <p>Source: The Nation, 'Unidentified groups attack Mangala's news website', The Nation on Sunday, 18 May 2008 <http://www.nation.lk/2008/05/18/news11.htm> accessed 3 July 2010.</p>	<p>Free Media Movement released a statement:</p> <p>The FMM urges the authorities to immediately clarify the existence and nature of the electronic media-monitoring unit by the Ministry of Defence as noted by Lanka Dissent. Thwarting independent media especially on the web and Internet is bringing us line with the reprehensible censorship and thinly veiled government sponsored hacking of countries such as China and Russia, now friends of Sri Lanka. Further it is simply not possible to shut off access to independent journalism unless like Myanmar after the Saffron revolution, Information and Communications Technology in the entire country is shut down</p> <p>Source: Free Media Movement, 'Independent web media hacked in Sri Lanka', Free Media Movement, 17 May 2008 <http://freemediasrilanka.wordpress.com/2008/05/17/independent-web-media-hacked-in-sri-lanka/> accessed 27 July 2010.</p>	<p>Computer Crimes Act No 27 of 2007 makes it an offence to hack in to a Computer. However as noted by former Chief Justice Silva more than three quarters of cases under the Act end up without convictions or not being investigated. His Honour criticized the police's ability to detect and investigate computer crimes. Many judges themselves are computer illiterate, though training programs were underway to improve computer literacy</p> <p>Source: Lanka Business Online, 'Crime Alarm', Lanka Business Online, 29 January 2009 <http://www.lankabusinessonline.com/fullstory.php?nid=257786312> accessed 25 May 2010.</p>
<p>On 1 January 2010 all five mobile phone service operators (Operators) sent a text message to all mobile phone subscribers in Sri Lanka, purporting to be a message of good wishes from President Mahinda Rajapaksa. It was</p>		<p>LIRNEasia reported the story. Former Director General of the TRC and CEO of LIRNEasia, commented on the story as follows:</p> <p>I do not recall giving my number to the President or to his re-election campaign. I have definitely not given permission to my service provider to give my number to the President....</p>	<p>Once again highlights some of the problems with the lack of proper privacy protection in Sri Lanka. It raised important questions about the responsibilities of a Telephone company vis a viz the personal information they collect and record from their customers. In particular what right if at all does an Operator have to pass on the private telephone numbers of their</p>

<p>subsequently reported that the message was sent pursuant to a request from the office of the President, free of charge to all 12.5 million mobile phone subscribers of Sri Lanka. [See section from Report on <u>Internet and Privacy – Case Study: Presidential New Year Message</u>]</p> <p>Source: Groundviews, ‘Unsolicited SMS messages are spam. Please desist Mr President’, Groundviews, 1 January 2010 < http://www.groundviews.org/2010/01/01/unsolicited-sms-messages-are-spam-please-desist-mr-president/> accessed 1 June 2010; Publius, ‘The shocking behaviour of the Telecommunications Regulatory Commission of Sri Lanka’, Groundviews, 9 January 2010 < http://www.groundviews.org/2010/01/09/the-shocking-behaviour-of-the-telecommunications-regulatory-commission-of-sri-lanka/#more-2442></p>		<p>If this is repeated, I will complain to the Telecommunication Regulatory Commission of a violation of section 59 of the Sri Lanka Telecommunications Act, No. 25 of 1991 as amended. That’s for starters. Maybe fundamental rights too.</p> <p>Source: Chanuka Wattedgama, ‘Sri Lanka: President uses SMS to wish mobile users: Why not cell broadcasting?’, LIRNEasia, 1 January 2010 < http://lirneasia.net/2010/01/6569/ > accessed 1 August 2010.</p>	<p>customers for non-essential, partisan communications?</p> <p>In the broader context of elections the text message raises further questions about use of state resources, election funds and good governance.</p> <p>[See section from Report on <u>Internet and Privacy – Case Study: Presidential New Year Message</u>]</p>
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accessed 18 May 2010.			
Statements undermining media freedom			
<p>In May 2008, the Defence Secretary gave an interview to the Daily Mirror noting that published reports are harmful towards the security forces and military operations were 'traitors' and stressed that such media should be banned. Journalists and Photo journalists were banned from covering events from funeral parlours. Later the Ministry released the following guidelines, that all media should not:</p> <ul style="list-style-type: none"> Be critical and analyse military strategies Scrutinise promotions and transfers within the military Question military and transfers within the military Question military procurements and tenders Espouse/ discuss anti-war positions Obtain information from military officers other than official spokespersons 		<p>Free Media Movement noted in response to the government's guidelines on war reporting:</p> <p>"The guidelines are grounded in a worldview that rejects the democratic way of life and fundamental human rights, that is fearful of both open government and free discussion and is intolerant of dissent"</p> <p>Source: Free Media Movement, 'Defence Ministry sets out guidelines for Media (self) censorship', Free Media Movement, 18 June 2008 <http://freemediasrilanka.wordpress.com/2008/06/18/defence-ministry-sets-out-guidelines-for-media-self-censorship/> accessed 26 July 2010.</p> <p>The Sydney Morning Herald reported the story and noted the outcry of FMM</p> <p>Source: AFP, 'Outcry as Sri Lanka's defence chief urges censorship', Sydney Morning Herald, 5 May 2008 < http://www.smh.com.au/news/world/outcry-as-sri-lankas-defence-chief-urges-censorship/2008/05/05/1209839546093.html > accessed 1 August 2010.</p>	<p>As noted above, in Sri Lanka the Courts have adopted a narrow approach when it comes to interpreting the validity of restrictions imposed on fundamental rights in the interest of national security concerns. Similar guidelines to the ones released by the Defence Ministry has been considered by the Supreme Court and held to be constitutionally valid: <i>Abeysekara v Ariya Rubesinghe and Others</i> (2000) 1 SLR 314 [See section from Report Freedom of expression in Sri Lanka – Restrictions]</p>
Commander of the Sri		Twenty nine Leading media organisations around	

<p>Lankan Army, Major General Sarath Fonseka repeatedly and with complete impunity labelled independent media and journalists as “traitors.”</p> <p>[See section from Report on The Diminishing space for freedom of expression online – Statements undermining media freedom]</p> <p>Source: Sunday Times Political Editor, ‘From Hero to Zero the Fonseka Fall out’ The Sunday Times, 18 October 2009, < http://sundaytimes.lk/091018/Columns/political.html> accessed 26 July 2010.</p>		<p>the world urged United Nations to pressure on the Sri Lankan government to protect journalists, in a letter addressed to the Secretary General. These comments of General Fonseka were quoted to illustrate the threats posed to media freedom.</p> <p>Source: International Federation of Journalists, ‘IFJ letter to UN Secretary General – Danger to Sri Lankan Journalists’, International Federation of Journalists, 23 June 2008 < http://asiapacific.ifj.org/en/articles/ifj-letter-to-un-secretary-general-danger-for-sri-lankan-journalists> accessed 26 July 2010.</p>	
<p>Defence Secretary Gotabaya Rajapaksa stated in an interview that media has to be censored and criminal defamation bought back.</p> <p>[See section from Report on The Diminishing space for freedom of expression online – Statements undermining media freedom]</p> <p>Source: Sanjana Hattotuwa,</p>		<p>In May 2008 the BBC reported that Reports Without Borders called Sri Lanka a Press Freedom Predator. The report named Defence Secretary Gotabaya Rajapaksa and LTTE Leader Vellupuli Prabhakaran as two of the worst examples in this regard.</p> <p>Defence Secretary Gotabaya Rajapaksa often voices virulent attacks on the press, contributing to the appalling climate that prevails there</p> <p>Source: Reporters Without Borders, ‘Reporters Without Borders Names 10 new Predators of Press Freedom’, International News Safety</p>	

<p>'2008: Celebrating the growth of media freedom and the freedom of expression in Sri Lanka', ICT for Peacebuilding, 4 March 2009 < http://ict4peace.wordpress.com/2009/03/04/2008-celebrating-the-growth-of-media-freedom-and-the-freedom-of-expression-in-sri-lanka/ > accessed 1 June 2010.</p>		<p>Institute, 2 May 2008 < http://www.newssafety.org/index.php?view=article&catid=68%3Aeurope-central-asia-media-safety&id=5377%3Areporters-without-borders-names-10-new-qpredators-of-press-freedomq-&option=com_content&Itemid=100522 > accessed 26 July 2010.</p>	
<p>The Defence Ministry called journalists critical of the war effort against Tamil rebels “enemies of the state” and that it would take “all necessary measures to stop this journalistic treachery”</p> <p>Source: International Federation of Journalists, 'IFJ letter to UN Secretary General – Danger to Sri Lankan Journalists', International Federation of Journalists, 23 June 2008 < http://asiapacific.ifj.org/en/articles/ifj-letter-to-un-secretary-general-danger-for-sri-lankan-journalists></p>		<p>Twenty nine Leading media organisations around the world urged United Nations to pressure on the Sri Lankan government to protect journalists in a letter addressed to the Secretary General. These comments of the Defence Secretary were quoted to illustrate the threats posed to media freedom.</p> <p>Source: International Federation of Journalists, 'IFJ letter to UN Secretary General – Danger to Sri Lankan Journalists', International Federation of Journalists, 23 June 2008 < http://asiapacific.ifj.org/en/articles/ifj-letter-to-un-secretary-general-danger-for-sri-lankan-journalists> accessed 26 July 2010.</p> <p>Further the BBC reported condemnation over Mr Rajapaksa's comments. Source: BBC, 'Sri Lanka attacks war reporting', 5 June 2008 <</p>	

<p>accessed 26 July 2010.</p>		<p>http://news.bbc.co.uk/2/hi/south_asia/7438434.stm > accessed 1 August 2010.</p>	
<p>Going in to the Presidential election the President released a Manifesto which was thought to reflect the government's intolerance for alternative and or dissident voices. [See section from Report on <u>The Diminishing space for freedom of expression online – Post war developments</u>] Source: Sanjana Hattotuwa. 'Examples of on-going web censorship in Sri Lanka' ICT for Peacebuilding. 23 February 2010. <http://ict4peace.wordpress.com/2010/02/23/examples-of-on-going-web-censorship-in-sri-lanka/> accessed 18 May 2010.</p>			
<p>The defence ministry called the reports of the Sinhala service of the BBC World service 'diabolical lies' and that, BBC journalists were accomplices in Tamil Tiger propaganda. [See section from Report on <u>The Diminishing space for freedom of expression online</u></p>		<p>RSF condemned these remarks and noted as follows: The defence ministry website has meanwhile been attacking the BBC World Service with increasing virulence Source: Asian Human Rights Commission, 'RSF Press Released: Sri Lanka: BBC World Service and Sunday Leader newspaper censored', 12 December <</p>	

<p><u>- Attacks on online journalists]</u></p> <p>Source: Ministry of Defence, 'WFP apology for BBC falsehood on Sri Lankan IDPs', Ministry of Defence, 12 December 2008 < http://www.defence.lk/new.asp?fname=20081210_08 > accessed 1 June 2010.</p> <p>Ministry of Defence, 'WFP apology for BBC falsehood on Sri Lankan IDPs', Ministry of Defence, 12 December 2008 < http://www.defence.lk/new.asp?fname=20081210_08 > accessed 1 June 2010.</p>		<p>http://newsletters.ahrchk.net/js/mainfile.php/0751/2438/ > accessed 1 August 2010.</p>	
<p>Hudson Samarasinghe the Chairperson of State controlled Sri Lanka Broadcasting Corporation (SLBC) openly called for the death of Poddala Jayantha, the General Secretary of Sri Lanka Working Journalists Association (SLWJA)</p> <p>Source: Free Media Movement, 'Head of State Media calls for Journalists</p>		<p>Free Media Movement released a statement as follows:</p> <p>It is sadly evident that Hudson Samarasinghe harbours the certifiably deranged belief that he is in a position to issue dire warnings against independent media and openly, with total impunity, call for the murder of journalists.....By appointing him to head a State media institution, the Rajapaksa administration demonstrates utter disregard for media freedom. In attempting to even suggest that Hudson Samarasinghe has a right to say what he wants to, the Rajapaksa</p>	

<p>Death', Free Media Movement, 13 June 2008 <http://freemediasrilanka.wordpress.com/2008/06/13/head-of-state-media-calls-for-journalist%E2%80%99s-death/> accessed 26 July 2010.</p>		<p>administration significantly aids the growth of hate speech and is directly culpable in violence directed against journalists</p> <p>Source: Free Media Movement, 'Head of State Media calls for Journalists Death', Free Media Movement, 13 June 2008 <http://freemediasrilanka.wordpress.com/2008/06/13/head-of-state-media-calls-for-journalist%E2%80%99s-death/> accessed 26 July 2010.</p>	
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Attacks on online journalists, traditional journalists and human rights activists

<p>On the eve of the Presidential election, when the Lankaenews.com was blocked, at one point its premises was surrounded by police and its director received a death threat. [See section from Report on The Diminishing space for freedom of expression online – Attacks on online journalists]</p> <p>Source: Reporters Without Borders, 'Countries under surveillance 2010- Sri Lanka', Reporter Without Borders, 18 March 2010 <http://www.unhcr.org/refworld/docid/4c21f668c.html></p>		<p>See above comments of RSF on blocking of websites on eve of election</p>	<p>Many of these attacks on journalists, noted in this section are extralegal. Their ongoing occurrence is part of a larger challenge that Sri Lanka faces with respect to the rule of law.</p>
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accessed 5 July 2010.			
<p>Political analyst and cartoonist Prageeth Eknaligoda, journalist for the news site Lankaenews has been reported missing since the night of 24 January 2010. [See section from Report on <u>The Diminishing space for freedom of expression online – Attacks on online journalists</u>]</p> <p>Source: Reporters Without Borders, 'Countries under surveillance 2010- Sri Lanka', Reporter Without Borders, 18 March 2010 <http://www.unhcr.org/refworld/docid/4c21f668c.html> accessed 5 July 2010.</p>		<p>The disappearance was widely condemned by several media watchdog institutions all of whom urged the government to take action to find Prageeth. RSF made a statement as follows:</p> <p>With some senior officials such as defence minister Gotabaya Rajapaksa still suggesting that Eknaligoda staged his own disappearance, we urge the president to provide credible information about happened to him</p> <p>Source: Reporters without Borders, 'Cartoonist kidnapped two months ago still missing', Reporters without borders, 23 March 2010 <http://en.rsf.org/sri-lanka-cartoonist-kidnapped-two-months-23-03-2010,36823.html> accessed 26 July 2010.</p> <p>Further the disappearance of Prageeth Eknaligoda has been widely covered by international news organisations such as BBC. Source: BBC, 'Govt responsible for Prageeth abduction', 5 March 2010 <http://www.bbc.co.uk/sinhala/news/story/2010/03/100305_sandhya_mahinda.shtml > accessed 1 August 2010.</p>	
<p>In November 2008 the leader of the opposition viciously threatened the senior journalists from the Daily Mirror, and it's Editor. Source: Sanjana Hattotuwa, '2008: Celebrating the</p>		<p>The Five Media Organizations consisting of SLWJA, Federation of Media Employees Trade Union (FMETU), Sri Lanka Muslim Media Forum (SLMMF), Sri Lanka Tamil Journalists Alliance (SLTJA) and Free Media Movement (FMM) criticized Mr Wickremasinghe over his threatening remarks.</p>	

<p>In November 2008 the leader of the opposition viciously threatened the senior journalists from the Daily Mirror, and it's Editor. Source: Sanjana Hattotuwa, '2008: Celebrating the growth of media freedom and the freedom of expression in Sri Lanka', ICT for Peacebuilding, 4 March 2009 < http://ict4peace.wordpress.com/2009/03/04/2008-celebrating-the-growth-of-media-freedom-and-the-freedom-of-expression-in-sri-lanka/ > accessed 1 June 2010.</p>		<p>The Five Media Organizations consisting of SLWJA, Federation of Media Employees Trade Union (FMETU), Sri Lanka Muslim Media Forum (SLMMF), Sri Lanka Tamil Journalists Alliance (SLTJA) and Free Media Movement (FMM) criticized Mr Wickremasinghe over his threatening remarks.</p> <p>Source: Free Media Movement, 'Watchdogs Slam UNP Leader', Free Media Movement, 3 December 2008 < http://freemediasrilanka.wordpress.com/2008/12/03/watchdogs-slam-unp-leader/> accessed 27 July 2010.</p>	
<p>It was reported that armed cadre of EPDP were attacking and preventing the distribution of the Uthayan newspaper in Jaffna.</p> <p>Source: Sanjana Hattotuwa, '2008: Celebrating the growth of media freedom and the freedom of expression in Sri Lanka', ICT for Peacebuilding, 4 March 2009 < http://ict4peace.wordpress.com/2009/03/04/2008-celebrating-the-growth-of-media-freedom-and-the-freedom-of-expression-in-sri-lanka/ > accessed 1 June 2010.</p>		<p>The FMM released a statement as follows:</p> <p>The FMM regards the disruption of Uthayan's distribution and the overt pressure on staff to refrain from working as attacks against the freedom of expression and the worst kind of strong-arm tactic, tellingly by a constituent party of the incumbent government, to stifle independent media</p> <p>Source: Free Media Movement, 'Independent Media in Jaffna threatened by armed cadre of EPDP', Free Media Movement, 29 October 2009 < http://freemediasrilanka.wordpress.com/2008/10/ > accessed 27 July 2010.</p>	

<p>The JVP threatened journalists on many occasions, while at the same time decrying the attitude towards media freedom by the government. For example in April 2008, JVP guards attempted to intimidate and expel a journalist from 'Lanka E News' who was attempting to report a JVP party press conference in Colombo</p> <p>Source: Sanjana Hattotuwa, '2008: Celebrating the growth of media freedom and the freedom of expression in Sri Lanka', ICT for Peacebuilding, 4 March 2009 < http://ict4peace.wordpress.com/2009/03/04/2008-celebrating-the-growth-of-media-freedom-and-the-freedom-of-expression-in-sri-lanka/ > accessed 1 June 2010.</p>		<p>FMM noted this incident among others, and expressed its concern in a statement over the actions of the JVP, other political parties and the Government.</p> <p>Source: Free Media Movement, 'JVP and the Government stifle freedom of expression in Sri Lanka', Free Media Movement, 17 April 2008 < http://freemediasrilanka.wordpress.com/2008/04/17/jvp-and-the-government-stifle-the-freedom-of-expression-in-sri-lanka/> accessed 27 July 2010.</p>	
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<p>In 2005 the editor of Tamilnet, Dharmaratnam Sivaram “Taraki” was murdered because his coverage of political and military situation was seen as hostile by the government [See section from Report on The Diminishing space for freedom of expression online – Attacks on online journalists]</p>		<p>The death was widely condemned by local and international media organisations.</p> <p>UNESCO, Director General spoke as follows: I condemn the murder of Dharmaratnam Sivaram, This shameful crime has led to a great loss for Sri Lankan journalism and for UNESCO.</p> <p>Source: UNESCO, ‘UNESCO Director General condemns Murder of Sri Lankan Journalist Dharmaratnam Sivaram ‘Taraki’’, 3 May 2005 < http://portal.unesco.org/ci/en/ev.php-URL_ID=18849&URL_DO=DO_TOPIC&URL_SECTION=201.html > accessed 1 August 2010.</p>	
<p>In 2007 another editor of a Tamil website E-thalaya.org, Kumudu Champika Jayawardena was the target of an ambush of pro government militia. [See section from Report on The Diminishing space for freedom of expression online – Attacks on online journalists]</p>		<p>FMM strongly condemned this attack.</p> <p>UNHCR reported the attack in annual Freedom of the Press 2008 – Sri Lanka briefing.</p> <p>Source: UNHCR, Freedom of the Press 2008 – Sri Lanka, 29 April 2008 < http://www.unhcr.org/refworld/country,,FREEHOU,,LKA,,4871f633c,0.html > accessed 1 August 2010.</p>	

<p>September 2008, two grenades were lobbed in to the residence of noted human rights activist J C Weliamuna the Director of Transparency International in Sri Lanka.</p>		<p>Local and International Organisations and Foreign Governments condemned this attack. Among the organisations included Transparency International, National Peace Council, Bar Association of Sri Lanka, and Asian Human Rights Commission and among the foreign governments were the European Union and United States.</p> <p>FMM stated that this Reprehensible act of violent intimidation therefore is an attempt to silence critical and dissenting voices, including civil society and media. It also represents a clear challenge to the independence and integrity of the legal profession and contempt for the rule of law and legal processes.</p> <p>Source: Transparency International Sri Lanka, Grenade attack on executive director, 28 September 2008 < http://www.tisrilanka.org/?p=366 > accessed 26 July 2010.</p>	
<p>Keith Noyahr, Associate Editor and Defence Correspondent of The Nation newspaper, published by the Rivira media group, was abducted and released after being severely beaten up.</p>	<p>Defence Secretary Gotabaya had summoned and reprimanded Sanath Balasooriya and Poddala Jayantha, the President and General Secretary of Sri Lanka Working Journalists Association over a protest campaign against the abduction of Keith Noyahr. The journalists were told that: It is unacceptable to criticise the armed forces Anyone other than the leaders of armed forces can be criticised Aim of protests was to criticise the armed</p>	<p>The Island, editorial 'Freedom of Suppression' noted that Noyahr's ordeal has proved once again that the culture of impunity has come to stay in this country. Attacking journalists seems to have become an easier task than throwing stones at stray dogs. Perpetrators of violence against the media are confident of going scot free</p> <p>CPJ condemned the attack as follows: Attacks like this contribute to an atmosphere of fear for the Sri Lankan media. We call for a thorough investigation and the prosecution of those responsible</p>	

	<p>forces and that was wrong If the journalists continue criticising the military, neither the Secretary of Defence nor the regime are in a position to prevent actions being taken against them by groups/ who revere the Army commander</p>	<p>Source: Committee to Project Journalists, 'Sri Lankan columnists badly beaten during abduction' 23 May 2008 < http://cpj.org/2008/05/sri-lankan-columnist-badly-beaten-during-abduction.php> accessed 1 August 2010.</p>	
<p>Journalist J.S. Tissainayagam and five of his colleagues from the news web site www.outreachsl.com were detailed by the Prevention of Terrorism Act No. 48 of 1979 on 7 March 2008 [See section from Report on The Diminishing space for freedom of expression online – Attacks on online journalists]</p>		<p>Dr Lucksiri Fernando noted in National Security under siege: J. S. Tissainayagam's Detention</p> <p>"Nothing seems to justify the detention and indictment of Tissainayagam. The entrenchment of PTA under the current political, economic and security conditions, however, does not give any flexibility to the government to entertain enlightened thinking. It is quite possible that the government will unfairly use Tissainayagam as an exemplary case to demonstrate to the international community that it cannot be pressured and insist that its charges against him are legitimate. They will argue he was granted due process, despite the irregularities in his indictment. By not appearing to bow down to international pressures, the government will boost its domestic credibility at the same time that it sends a strong warning to other journalists who exercise freedom of expression by voicing opinions critical of the government."</p> <p>In November the International Federation of Journalism (IFJ) wrote to the government demanding an immediate explanation for the relocation of journalist JT to an army prison.</p>	

		<p>“the manner in which Tissanaiyagam has been arrested, detained without charge, indicted under draconian laws and imprisoned in appalling conditions is a gross abuse of his fundamental human right to justice”</p>	
General statements regarding the media freedom situation in Sri Lanka			
		<p>In January 2008 Sri Lanka was listed as one of the six most unsafe places for journalists</p> <p>Source: Annual Survey International Federation of Journalists (IFJ)</p>	
		<p>In 2009 Sri Lanka was the thirteenth most dangerous country in the world for media workers and journalists.</p> <p>Source: Reporters Without Borders</p>	
		<p>Press Emblem Campaign in late 2007 listed Sri Lanka as the third most dangerous country in the world for journalists and media workers.</p> <p>Source: Press Emblem Campaign</p>	
		<p>...independent media and journalists in Sri Lanka today are terrorised through a spate of killings, abductions, assaults, arbitrary arrests and detentions. They are subject to violence, both physical and verbal to a degree that is unprecedented. The signatories asked the government to urgently and meaningfully investigate and curtail these abuses.</p> <p>Source: Joint statement from 11 political parties including UNP, SLMC, JVP and SLFP People’s</p>	

Blogger's Rights

A statement by the five leading media organisations and journalist trade unions in Sri Lanka recognised bloggers as an important part of the media community. The statement was issued in response to the Sri Lankan Media Minister's denial of the contents of a report by Press Emblem Campaign (PEC) that ranked Sri Lanka as the third most dangerous place in the world for journalists.

Source: Sanjana Hattotuwa, 'Key media organisations and trade unions in Sri Lanka recognise bloggers as journalists', ICT for Peacebuilding, 22 December 2007 <<http://ict4peace.wordpress.com/2007/12/22/key-media-organisations-and-trade-unions-in-sri-lanka-recognise-bloggers-as-journalists/>> accessed 26 July 2010.

It is not yet a settled question whether bloggers are afforded the same protection as journalists.

In a landmark case in the United States, a Californian Court of Appeal decided that bloggers are entitled to protect their sources the same way traditional journalists can (Jason O'Grady v Apple Computer Inc, Court of Appeal of the State of California, Sixth Appellate District). However in a subsequent case in a court in New Jersey held that bloggers could not be protected as a journalists as they "exhibited none of the recognized qualities or characteristics traditionally associated with the news process, nor has she demonstrated an established connection or affiliation with any news entity."

[See section from Report on [Freedom of expression on line – Application to Internet](#)]

Source: Mary Pat Gallagher, 'No reporter shield for mere blogger, N.J. Appeals Court Says', Law.com, 26 April 2010 <<http://www.law.com/jsp/article.jsp?id=1202451742674>> accessed 1 June 2010.

In Sri Lanka, the Courts have not yet had an opportunity to consider the legal status

			<p>of bloggers. However soft law mechanisms are being developed that may yet be developed in to hard law or at least influence the course of future law reform. In this regard the 2008 Colombo Declaration on Media Freedom and Social Responsibility is significant. [See section from Report on <u>Freedom of expression on line – Application to Internet</u>]</p>
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