



Home Office

Country Information and Guidance

Sri Lanka: Journalists, media
professionals and human rights
activists

Version 1.0

September 2015

Preface

This document provides guidance to Home Office decision makers on handling claims from – as well as country of origin information (COI) about – journalists (incl. internet-based media), media professionals and human rights activists from Sri Lanka. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office’s research guidelines, Country of Origin Information report methodology, dated July 2012.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

Date Updated: 9 September 2015

1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of persecution or serious harm at the hands of the Sri Lankan authorities because of the person's actual or perceived political opinion as a result of their activities as a journalist (including internet-based media), media professional or human rights activist.

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1.2 Summary of Issues to Consider

- ▶ Is the person's account a credible one?
- ▶ Are journalists, media professionals and human rights activists in Sri Lanka who are perceived by the authorities to be in opposition to the government at real risk of persecution or serious harm?
- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within Sri Lanka?

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2. Consideration of Issues

2.1 Is the person's account a credible one?

- 2.1.1 Decision makers must consider whether the material facts relating to the person's account of their actual or perceived involvement as a human rights activist, media professional and/or journalist and of their experiences are of sufficient detail and specificity, based on their individual profile internally consistent (e.g. oral testimony, written statements) as well as being externally consistent with generally known facts and [the country information](#) and other evidence (to a reasonable degree) and plausible Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.
- 2.1.2 For further information on these and assessing credibility more generally, see section 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.2 Are journalists, media professionals and human rights activists in Sri Lanka who are perceived by the authorities to be in opposition to the government at real risk of persecution or serious harm?

2.2.1 The law allows for freedom of speech, expression, association and peaceful assembly but the previous Sri Lankan government under President Mahinda Rajapaksa, who was voted out of power in January 2015, restricted these rights in practice. In addition these legal rights are significantly limited by other laws and regulations in place, such as the 1979 Prevention of Terrorism Act, which contains broad restrictions, such as a prohibition on bringing the government into contempt.

2.2.2 The Rajapaksa government systematically suppressed freedom of expression. Journalists were reported to be subject to surveillance, such as phone calls and online communications being monitored. Journalists were accused of 'treason' by senior government officials for publishing critical stories about the government and its policies. Government officials threatened and intimidated editors into printing stories that portrayed the government in a positive light. Critics of government, including human rights activists, were subjected to harassment, intimidation, violence, imprisonment, enforced disappearances and killings. Self-censorship by journalists was widespread. (See [Civil Society/Human Rights Activists and Journalists and Media Professionals](#) in the country information section).

2.2.3 The previous government censored the internet, imposing blocks on access to a number of independent news websites. At least five news websites critical of the government were closed by the authorities in 2013. The increase of internet connectivity to online media has provided users access to web-based outlets such as [Groundviews](#) and [Vikalpa](#) to view online news and sensitive stories/events that are rarely covered by the mainstream media.

2.2.4 Since 2011, websites carrying local news are required to register with the government. The Ministry of Mass Media and Information blocked access to certain websites after receiving complaints about material that was 'injurious to the image of the country, the head of the state, ministers, senior public officials, and other important persons'. Content restrictions were targeted on those critical of the government, including Tamil-language websites. The Upper Tribunal in the country guidance case of [GJ \(post-civil war: returnees\) Sri Lanka CG \(Rev 1\) \[2013\] UKUT 319 \(IAC\) \(5 July 2013\)](#) concluded that

rights activists are reportedly more free to express themselves and talk in public and in general the working environment for them has got much safer (see [Annex A: Letter from the British High Commission in Colombo, dated 23 April 2015](#) .

- 2.2.6 The independent media were active and largely unrestrained, although there were cases of direct and indirect political and economic pressure on the media, including by threatening journalists. Political pressure, corruption, and lack of funding constrained the independent print media, and journalists reported that they practiced self-censorship. Political parties, trade unions, and other groups published newspapers or magazines independent of government influence. (see COI under [4.1](#) [6.2](#), and [8.2](#)). However, sources continue to document attacks, harassment, intimidation and arrests against journalists, civil society actors, human rights activists and their families. Some sources specifically highlight these human rights violations against Tamil journalists. The new government has so far also failed to investigate cases of killed journalists or cases of attack and intimidation.
- 2.2.7 It is too early to assess whether there has been significant and durable change on the ground to the extent that decision makers should fundamentally depart from the [GJ](#) caselaw. However, simply being a journalist, media professional or human rights activist does not of itself give rise to a well founded fear of persecution or serious harm in Sri Lanka. The onus will be on the person to demonstrate that they will face on return treatment from the current, as opposed to the previous, government, or that effective state protection will not be available to them against non-state actors.
- 2.2.8 Decision makers must assess claims made on the facts of the case taking into account:
- ▶ the person's actual or perceived activities criticising the Sri Lankan government, in particular if the criticism was of its human rights record, or association with publications critical of the Sri Lankan government.
 - ▶ if that criticism was of the previous government, whether it would attract adverse interest of the current government;
 - ▶ if that criticism was of the previous government and the fear stemmed from non-state actors, whether effective protection by the current government would be available;

the persecutor. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future. The onus is on the applicant to demonstrate that the state is not willing and able to provide protection.

- 2.3.2 If the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves to the authorities for protection.

For further information on assessing the availability of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Are those at risk able to internally relocate within Sri Lanka?

- 2.4.1 In the country guidance case of [GJ & Others](#), the Upper Tribunal concluded that given the tight control the government now has over its entire territory, internal relocation is not an option for a person at real risk from the Sri Lankan authorities.

- 2.4.2 For further information on considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Internal Relocation](#).

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3. Policy Summary

- ❑ **In relation to the previous Government the country guidance case of [GJ & Others](#) found that journalists, media professionals and human rights activists who have, or are perceived to have, criticised the Sri Lankan government, in particular its human rights record, or who are associated with publications critical of the Sri Lankan government, may be at real risk of persecution or harm on return to Sri Lanka.**
- ❑ **However, since the new Sri Lankan government came to office in January 2015 they have taken steps to review, case-by-case, those detained under the Prevention of Terrorism Act, lifted restrictions on media reporting, ended Internet censorship and appointed non-military personnel as governors to the North and East provinces.**

certifiable as 'clearly unfounded' under section 94 of the Nationality, **Immigration and Asylum Act 2002**.

For further information on making asylum decisions, see section 9 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#), the [Asylum Instruction on Humanitarian Protection](#) and the [Asylum Instruction on Discretionary Leave](#).

For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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Country Information

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4. Background to Freedom of Speech and Expression

4.1 General Position of the media

4.1.1 The US State Department's 2014 Country Report on Human Rights Practices (USSD Report 2014), Sri Lanka, published on 25 June 2015, noted that:

'The independent media were active and largely unrestrained, although there were cases of direct and indirect political and economic pressure on the media, including by threatening journalists. Political pressure, corruption, and lack of funding constrained the independent print media, and journalists reported that they practiced self-censorship. Political parties, trade unions, and other groups published newspapers or magazines independent of government influence.'¹

4.1.2 Reporters Without Borders, in its Press Freedom Index 2014, ranked Sri Lanka 165 out of the 180 countries included in the index (one being the most free and 179 being the least free).⁽²⁾

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5. Legal context

5.1.1 The U.S. Department of State reported in its annual report covering 2014 noted that the law allowed for the freedom of speech, expression, association and peaceful assembly but the Sri Lankan government did not respect these rights.⁽³⁾

5.1.2 Chapter – III (Fundamental Rights), Article 14, of the Constitution states:

'(1) Every citizen is entitled to –

'(a) the freedom of speech and expression including publication;

'(b) the freedom of peaceful assembly ;

'(c) the freedom of association ;

'(d) the freedom to form and join a trade union... ;

'(f) the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;

(g) the freedom to engage by himself or in association with others in any lawful occupation, profession, trade, business or enterprise...' ⁽⁴⁾

5.1.3 Article 14(2) of the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, Certified on 20 July 1979, states:

'(a) No person shall, without the approval in writing of a competent authority, print or publish in any newspaper any matter relating to -

'(i) the commission of any act which constitute an offence under this Act or the investigation of any such offence; or

'(ii) incitement to violence, or which is likely to cause religious, racial or communal disharmony or feeling of ill-will or hostility between different communities or racial or religious groups.

'(b) No person shall, without the approval in writing of a competent authority, distribute or be concerned in the distribution of any newspaper printed or published in Sri Lanka or outside Sri Lanka in respect of any matter the printing and publication of which is prohibited under paragraph (a).'

⁽⁵⁾

5.1.4 Reporting on the legal position of Internet usage, the Freedom House report, Freedom on the Net 2014, observed that:

'In 2012, the media 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. Strenuous objections from the international freedom of expression community failed to prevent the government extending the restrictions to digital media. 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

“news,” providing leeway for authorities to scrutinize a wider range of online platforms like blogs or social media.’⁽⁶⁾

(See also: [Internet Users](#))

- 5.1.5 On 17 June 2013 a new code of ethics for the media proposed by the Sri Lankan government was put forward by the country's ministry of mass media and information. The Guardian reported that:

‘The code prohibits the publication of 13 types of substantive speech including content that vaguely “offends against expectations of the public, morality of the country, or tend to lower the standards of public taste and morality.”

‘It also includes any content that “contains material against the integrity of the executive, judiciary, and legislative”, which could be interpreted as barring criticism of the government.

‘The code further restricts content that “contains criticism affecting foreign relations,” which could lead to sanctions for reporting on international criticism of Sri Lankan government actions.’⁽⁷⁾

- 5.1.6 The Foreign and Commonwealth Office (FCO) annual report on Sri Lanka, updated 21 January 2015, noted:

‘Activists, including the Committee to Protect Journalists and Human Rights Watch, raised concerns over plans to introduce a code of media ethics, which would have restricted freedom to report, including on issues affecting the “reputation” of Sri Lanka. The Media Minister said that the code – which has not been formally introduced - would not become law, but ramifications of non-compliance remained unclear. The UK raised concerns over attacks on media institutions and threats to freedom of expression with Sri Lankan authorities, as well as during the adoption of Sri Lanka’s Universal Periodic Review (UPR).’⁽⁸⁾

- 5.1.7 The Freedom House report, Freedom of the Press 2014 - Sri Lanka, 1 December 2014, reported that the government proposal in 2013 to ‘introduce a “Code of Media Ethics” containing a number of broad and vaguely worded provisions, was criticized by local and international watchdog groups and withdrawn’.⁽⁹⁾

6. Treatment by the authorities

6.1 Treatment by the former government [Rajapaksa government - up to January 2015]

6.1.1 The Human Rights Watch annual World Report 2015: Sri Lanka, covering events in 2014, published on 29 January 2015, stated: 'Arbitrary arrests of Sri Lankan activists who advocate for accountability continued in 2014. The government also widened its crackdown against independent media and human rights defenders.'⁽¹⁰⁾

6.1.2 The International Federation of Journalists (IFJ) reported on 14 January 2015 that, 'It's notable that over the past several years, the press freedom index in Sri Lanka has been on a steady decline. There has been systematic harassment to the media, with killings, attacks and threats to opposition voices; forced exiles and restriction attempts such as police questioning to media, restrictions on online media and threats to organizations training journalists, especially those from Tamil dominated areas.'⁽¹¹⁾

6.1.3 The Freedom House, Freedom of the Press 2014 - Sri Lanka, 1 December 2014 reported that:

'The broadcasting authority is not independent, and licensing decisions sometimes appear to be arbitrary and politically influenced. Under rules imposed in November 2011 regarding licensing for any websites that host news content related to Sri Lanka, only about a third of websites that attempted to register were successful, according to international advocacy watchdog Article 19. In December 2013, authorities announced that due to a lack of frequencies, no new radio or television stations would be licensed. Meanwhile, the Press Complaints Commission of Sri Lanka promotes self-regulation in the independent print and online news media based on a code of professional practice.'⁽¹²⁾

6.1.4 The Freedom House report further added:

'In response to the greater role of web-based media, the government has stepped up efforts to censor the internet, imposing blocks on access to a number of independent news websites, including some based overseas. A petition challenging this practice was rejected by the Supreme Court in May 2012. Levels of self-censorship in the broader news media are high, with the vast majority of journalists avoiding coverage that is critical of President

the Tamil Tiger rebel movement in 2009. Many journalists assume that their phone calls and online communications are monitored.’⁽¹³⁾

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6.2 Treatment by the current government [Sirisena government – since January 2015]

6.2.1 In a letter addressed to President Sirisena about the human rights situation in Sri Lanka from Human Rights Watch, dated 26 February 2015, HRW welcomed some initiatives the government had already undertaken, such as ‘case-by-case reviews of those detained under the Prevention of Terrorism Act, the lifting of restrictions on media reporting, the end of Internet censorship, and the appointment of non-military personnel as governors to the North and East provinces.’⁽¹⁴⁾

6.2.2 While congratulating the newly elected President, Maithripala Sirisena in an article on 14 January 2015, the International Federation of Journalists also urged the new President to deliver on the short-term proposal to re-establishing freedom of expression rights in Sri Lanka, which was put to him by the Free Media Movement in December 2014.⁽¹⁵⁾

6.2.3 On 16 January 2015 the Institute for War and Peace Reporting, followed up on this by publishing an article, stating:

‘There is cautious optimism in Sri Lanka that Maithripala Sirasena, who won a surprise victory in last week’s presidential election, could steer the country towards real change.

‘Commentators point to a number of reasons for Rajapaksa’s defeat, ranging from fears that he was becoming increasingly authoritarian and nepotistic to resentment at the high cost of living, corruption, encroachment on judicial independence, and attacks and curbs on journalists and civil society groups.’⁽¹⁶⁾

6.2.4 On 3 May 2015, (World Press Freedom day 2015), Groundviews, a citizens journalism website based in Sri Lanka, reported:

‘April [2015] was probably the worst month for free expression under this new government. On 2nd May [2015], a journalist was reported as having being attacked by a local politician due to his efforts to report problems in a local health clinic. A prominent political commentator and university

academic was hospitalized after being attacked on 1st May, as he was observing a May Day rally in Colombo by political forces loyal to the former President. Earlier in March, several persons dubbing a film related to the militarization were arrested by the Police in Colombo, and equipment of the studio confiscated. In the Eastern province, it was reported that harassment and intimidation of family of a Muslim women activist continued to date, after she had expressed her opinions about legalization of sex work, back in 2012.’¹⁷

6.2.5 The Groundviews source further noted:

‘From the North, an alarming number of threats to free expression has been reported against Tamil journalists. One was prevented from covering a discussion related to pollution of water. Another Tamil was reported as detained in Jaffna on 23rd April. Four Tamil journalists based in the northern cities of Mannar and Vavuniya were summoned for questioning by the Police in Colombo on 28th April. Another journalist had received a similar summons that resulted in him being charged with publishing false information on 26th April. Police in the northern city of Jaffna had arrested N. Logathayalan, a freelance journalist working for the newspaper Uthayan, on 8 th April because of an article about police violence on a school girl. On 7th April, three Tamil journalists were harassed and threatened by Police officers in Jaffna, after they went to report about a protest against oil pollution. Also in April, the Vice Chancellor of the University of Jaffna had refused permission for a discussion about a book written by a University academic, about the end of the war.’¹⁸

6.2.6 Groundviews further added that: ‘Few weeks after the election of the new President, it was reported that the Sri Lankan military had threatened displaced residents from Valikamam North in Jaffna, not to share their experiences and views with the Britain’s [sic] Foreign and Commonwealth Office minister, Hugo Swire, during his visit to Jaffna.’¹⁹

6.2.7 Article 19 reported on 14th May 2015 that:

A mission of seven INGOs [International non-governmental organisations] and IGOs working on media freedom recommended today a package of reforms in the post-election media environment of Sri Lanka. The mission which has been meeting with media, government and civil society stakeholders since 8 May, welcomed the positive changes made in the

“The mission found a considerably freer environment and a drop in the level of threats and intimidation that had become the norm under the Rajapakse government”, said Thomas Hughes, ARTICLE 19 Executive Director...

“There’s a long way to go to reverse the decades of authoritarian rule that has impacted on the media in so many ways. ARTICLE 19 is looking forward to working with all stakeholders to take advantage of the will to protect the right to freedom of expression”, added Hughes.

‘A number of concerns remain. The legal framework for the media is far from adequate. There is no systematic regulation of the broadcast media and regulation of the print media is open to abuse. The broadcasters often do not reflect Sri Lankan society or its needs. Ownership has also become excessively politicised.

‘Despite the government’s commitment to investigate two of the most notorious cases of killed journalists, there remain numerous unresolved cases of attack and intimidation. In one media house visited, the mission discovered that not one of 40 attacks, including killings, have been investigated effectively nor independently, or the perpetrators brought to justice. The mission visited Jaffna, a city still recovering from being at the heart of the civil war, and was concerned to hear that journalists still feel like they are being watched and are at risk.’²⁰

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7. Civil Society/Human Rights Activists

7.1 Treatment by the former government

7.1.1 The Amnesty International Annual report 2014/15 (covering 2014 and key events from 2013), published 25 February 2015, stated:

‘Authorities continued to threaten, harass and arrest human rights defenders, including lawyers, family members of the disappeared and other activists. None of the incidents known to Amnesty International were effectively investigated, and no prosecutions were initiated. People calling for accountability for past and current human rights violations, including human rights defenders attempting to communicate concerns to the UN [United Nations], were harassed and threatened. In some instances, individuals

organizations” warning them to stop holding press conferences, workshops and journalists’ trainings, or disseminating press releases.

‘Students in many parts of the country were violently attacked, and there were repeated efforts by the authorities to prevent them from organizing, including by prohibiting student unions and suspending student activists.’⁽²¹⁾

7.1.2 The AI report also cited the cases of: ‘Balendran Jeyakumari, whose son was the victim of an alleged enforced disappearance, remained held since her arbitrary detention under the PTA [Prevention of Terrorism Act] in March [2014]. Prominent human rights defenders Ruki Fernando and Father Praveen Mahesan faced continued restrictions imposed by the courts after they were arrested for attempting to investigate her case.’⁽²²⁾

7.1.3 While reporting on Sri Lanka in 2014, the HRW annual Report 2015, stated:

‘In March [2014], prominent human rights activists Ruki Fernando, of the Colombo-based INFORM, and Father Praveen Mahesan, a Catholic priest, were detained for three days and questioned. They had been seeking to ensure the welfare of 13-year-old Balendran Vithushaini, who had been ordered into probationary care following the arrest of her mother, Balendran Jeyakumari, an activist working on behalf of the forcibly disappeared. Human rights lawyers Namal Rajapakshe, Manjula Pathiraja, and Lakshan Dais received threats from unidentified men.’⁽²³⁾

7.1.4 The arrest of the two prominent human rights advocates and a woman who made a public campaign of finding her missing son in March 2014 caused fear that there would be a campaign to crackdown on activists. The New York Times reported, that: ‘The arrests took place just as the United Nations Human Rights Council considers starting an inquiry into possible war crimes committed by government forces and separatists during Sri Lanka’s 26-year civil war... The Sri Lankan police said the two activists were being held under the country’s antiterrorism laws.’⁽²⁴⁾

7.1.5 On 8 October 2014, a well-known Sri Lankan human rights activist, G. Thevaraja was attacked in the Northern Province of Vavuniya. Thevaraja had been hospitalised after the incident in a serious but stable condition. AsiaNews reported that:

'The Sri Lankan delegation addressed the 112th session of the UN Commission on Human Rights at 1 pm (4.30 pm in Colombo). An hour later Thevaraja, president of the Vavuniya Citizen's Committee, was attacked. "Four people on two motorcycles surrounded him and beat him with iron bars," Fernando Brito, president of the Families of the Disappeared (FOD), told AsiaNews. "He did not suffer any head injuries because he was wearing a helmet but was heavily bruised." Thevaraja was returning from a meeting meant to prepare a demonstration in honour of Balendran Jeyakumari, scheduled for today [10 October 2014]. Balendran is human rights activist with FOD [Families of the Disappeared]. She lost her husband and two eldest children, killed during the civil war. A third child vanished in 2009, at the end of the conflict. On 15 March [2014], a hundred soldiers and police officers surrounded her house, preventing anyone from going in or coming out. They then moved in and took away her and her 13-year-old daughter. According to police, the activist "gave shelter to a criminal." Although no evidence was found to back the police claim, she is still in jail.'⁽²⁵⁾

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7.2 Treatment by the current government

7.2.1 After Maithripala Sirisena's surprise Presidential victory in the January 2015 elections, activists were hopeful the new government will allow more space for advocacy and access in the north, but as reported by IRIN News on 28 January 2015:

'Six days after the 8 January election, around 300 families of those still missing as a result of Sri Lanka's two and half decade long civil war attended a prayer service led by Pope Francis at the Madhu Shrine in the northwestern district of Mannar. Some held pictures of missing relatives; others held small signs calling for justice. But in a marked departure from the pattern of recent years, security forces prevented no one from protesting or entering the shrine compound.

'Uthayachandra Manuel, a community activist in Mannar who heads the Association of Families Searching for their Disappeared Relatives, recalls quite a different reaction from the authorities during visits by former UN High Commissioner for Human Rights Navi Pillay and British Prime Minister David Cameron in August and November 2013.

'When Pope Francis visited Sri Lanka earlier this month, Manuel and others in her group were able to hand him a letter containing the details of more than 3,300 missing persons and asking for his assistance in investigating their disappearance.'⁽²⁶⁾

7.2.2 The Foreign and Commonwealth Office (FCO) report, Sri Lanka - Country of Concern: latest update, Updated 21 January 2015, noted that, 'The human rights situation in Sri Lanka has not improved during the past three months. Reports from the north of detention and harassment of activists continued.'⁽²⁷⁾

7.2.3 The FCO report cited the recorded incidents of:

'On 13 March [2015], a local activist and her 13-year-old daughter, who were leading protests focused on the disappeared, were detained under the Prevention of Terrorists Act (PTA) in Kilinochchi for "harbouring a criminal". The local magistrate ordered the activist to be detained for 16 days under anti-terrorism laws. Her daughter has been placed in social care. Local and international activists have condemned the arrests.

'Two well-known Sri Lankan human rights defenders, Ruki Fernando and Father Praveen Mahesan, were detained by the Terrorist Investigations Department (TID) on 16 March. Minister for Asia, Hugo Swire, raised concerns over the arrests and detention. Mr Swire urged the government of Sri Lanka to allow both detainees immediate access to lawyers and their families, to respect human rights defenders, and to uphold the principles of free expression and movement. Following domestic and international outcries, the activists were released two days later, but they remain under court order and investigation.'⁽²⁸⁾

7.2.4 The International Federation of Journalists (IFJ) reported early May 2015 that:

'Human rights activists Dr Nirmal Ranjith Devasiri and Dr Kumudu Kusum Kumara were both at May Day rallies at the Kirullapona Lalith Athulathmudali in the capital Colombo on May 1 when they were allegedly targeted by supporters of Sri Lanka's former president Mahindra Rajapaksa. Both activists were attacked when the pro-Rajapaksa supporters recognised them, claiming that they were responsible for Rajapaksa's loss in the presidential elections in January. According to reports, police offered

protection to Dr Devasiri and Dr Kumara, escorting them from the rallies. The police were also allegedly targeted in the violence'.²⁹

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8. Journalists and Media Professionals

8.1 Treatment by the former government

8.1.1 The Freedom House report, Freedom of the Press 2014, 1 December 2014, stated that, 'Several dozen journalists and media freedom activists have gone into or remained in exile – one of the highest numbers in the world, according to the Committee to Protect Journalists – leaving the sector without many of its most experienced professionals.'³⁰

8.1.2 The Amnesty International Annual report 2014/15 (covering 2014 and key events from 2013), published 25 February 2015, stated:

'There were continuing reports of intimidation and harassment of journalists by state officials, including physical attacks, death threats and politically motivated charges. Perpetrators acted with impunity in these cases; none of the incidents were adequately investigated, and those suspected of criminal conduct were not prosecuted. Impunity also persisted for older cases of violence against journalists, including for unlawful killings and enforced disappearances.'⁽³¹⁾

8.1.3 In one recorded incident the AI cited that, 'On 18 May, the fifth anniversary of the end of Sri Lanka's armed conflict, the military sealed the offices of Uthayan, a Jaffna-based newspaper. The newspaper and its employees had faced previous forced closures, threats and violent attacks.'⁽³²⁾

8.1.4 The Freedom House report, Freedom in the World 2014 - Sri Lanka, 8 September 2014, stated that, 'Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, encounter considerable levels of intimidation, which has led to increased self-censorship over the

past several years. A number of journalists received death threats in 2013, and others were assaulted.^{'(33)}

8.1.5 The Freedom House, Freedom of the Press 2014 - Sri Lanka, 1 December 2014 reported that: 'Local press freedom advocacy groups, such as the Free Media Movement and the Sri Lanka Journalists' Association, face smear campaigns in state-controlled media, and their staff operate under considerable threat.'⁽³⁴⁾

8.1.6 Further reiterating that, 'Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, face regular intimidation and pressure from government officials at all levels.' The report also noted:

'In addition to verbal and physical attacks from official sources, journalists and press advocacy groups that are perceived as supportive of ethnic Tamil interests have drawn the ire of Sinhalese nationalist vigilante groups. While Tamil journalists no longer face the tight restrictions imposed by the Tamil Tigers, they generally refrain from strident criticism of the government, the military, or pro-government Tamil political factions. Tamil-language outlets such as the Uthayan newspaper, based in Jaffna, face regular harassment and operate under considerable duress and threat to their staff. In April 2013, the paper's Jaffna office and printing press were subject to an arson attack by unknown assailants, less than two weeks after the newspaper's Kilinochchi office had also been attacked.'⁽³⁵⁾

8.1.7 The Freedom House report added:

'Official rhetoric is markedly hostile toward critical or "unpatriotic" journalists and media outlets, with prominent leaders, including Defense Secretary Gotabhaya Rajapaksa, often making statements that equate any form of criticism with treason. State-controlled media and the Defense Ministry website have been used to smear and threaten individual journalists, activists, and media freedom organizations. Those who appear at international fora such as the UN Human Rights Council or give testimony to visiting UN experts or donor bodies such as the European Union are subject to particular vilification. This pattern occurred in 2013 following the August visit of then UN High Commissioner for Human Rights Navi Pillay, when journalists and human rights defenders who met with her were subjected to harassment. Even foreign journalists such as Callum Macrae, a producer for Britain's Channel 4, have faced similar treatment at the hands of high-level officials.'⁽³⁶⁾

8.1.8 On 9 July 2014, Bob Dietz, who works for the Committee to Protect Journalists (CPJ) Asia Program, posted a blog on the CPJ website, reporting that:

‘The Sri Lankan government has taken yet another step to silence critical media coverage, banning non-governmental organizations (NGOs) from holding press conferences and issuing press releases, as well as running workshops or training sessions. The action, announced Sunday [6 July 2014] by Sri Lanka’s Ministry of Defense, left the country’s many press groups wondering whether they are even allowed to issue a statement criticizing the decision.

‘Sri Lankan NGOs were put on notice about the new step on July 1[2014], with a warning letter that declared media-related activities “unauthorized” and “beyond their mandate.” The letter was signed by D.M.S. Dissanayake, director and registrar of the National Secretariat for NGOs, which comes under the Ministry of Defense. It is worth noting that Secretary of Defense Gotabaya Rajapaksa is President Mahinda Rajapaksa’s brother.

‘Speaking to the English-language daily Ceylon Today, Dissanayake said, “We have merely taken a precautionary measure in reminding them of the limits.” If the groups do not obey the directive they will be fined, he said. Given the lack of government action to curtail a history of attacks, harassment, and threats aimed at journalists in Sri Lanka, the use of the term “precautionary” by a government official becomes a threatening term.’
(37)

8.1.9 In June 2014 the Sri Lankan authorities asked the local media not to cover the clashes between Buddhists and Moslems that erupted in the southern region of Aluthgama on the night of 15 June. Reporters Without Borders reported that a curfew had been imposed in an attempt to contain a situation, which was described by the government as ‘tense’; and further reported that:

‘Although the media have been asked not to report the truth about these and other events of late, coverage of the clashes in Aluthgama has been posted on websites that are blocked in Sri Lanka but are accessible outside the country. Journalists were harassed and attacked and their equipment was smashed when they went to cover the clashes, in which dozens of people were injured and several were killed. Those attacked included Sunday Leader reporter Binoy Suriarachi, who was held hostage of several hours. His release was negotiated by Megara Tegala and Dilesha Abeysundara

guarded Northern Jaffna peninsula. Reporters Without Borders recorded that he was, ‘... on his way home when he was attacked with iron rods by two unknown men on a motorbike near Puraporukki in Vadamaradchchi on the Sinhala Tamil New Year day night.’ Further reporting that: ‘It is notable here that Selvatheepan along with his mother has appeared before the government’s Lesson Leant Reconciliation Commission (LLRC) to give on the disappearance of his brother, who had gone missing in Batticaloa. According to reports, he has informed his friends about unknown people following his movements and issuing threats.’⁽³⁹⁾

8.1.11 Reporters Without Borers cited recorded incidents involving Sri Lankan journalists during 2014:

‘... Sampath Samarakoon, the editor of the Vikalpa news website and secretary of the Free Media Movement [FMM] (one of the last media freedom NGOs [non-governmental organisations] still operating in Sri Lanka), was attacked by armed men and the urban council chairman in the southern town of Hambantota while participating in a peaceful demonstration on 21 December.

‘The FMM said the urban council official was acting with the approval of the authorities and the government. Although told about the violence, the police did not intervene.

‘A group of men attacked Thisara Saman, a reporter for Hiru TV and the newspaper Ada, while he was covering a demonstration by civil society groups “Against violence, for life” in the northern town of Eppawala on 5 December.

‘K.W. Janaranjana, the editor of the newspaper Ravaya, was questioned by the Criminal Investigation Department on 9 December over an article based on information from an unidentified intelligence source referring to an unpublished poll that put Sirisena ahead of Rajapaksa.

‘Derana TV news editor Shehan Baranage was fired at the start of December as a result of a complaint against the TV station by sports minister Mahindananda Aluthgamage, after the minister walked out of one of the station’s political programmes because he was embarrassed by a question.’⁽⁴⁰⁾

exiled journalists / human rights defenders (HRDs) returned to Sri Lanka. The struggle to come home was a long and frustrating struggle with very little action from the Sri Lankan government and the Embassy.’⁴¹

- 8.2.2 The Director of Press Freedom Programmes at the International Press Institute reported on its blog on 23rd April 2015 that following his mission to Sri Lanka in February 2015 together with IFEX [International Freedom of Expression Exchange] and the International Federation of Journalists that:
- ‘It was clear from the beginning of our visit that Sirisena’s election had brought with it significant change. Our two-day stay in Jaffna, the capital of Tamil-majority Northern Province, would not have been impossible before Jan. 7, our local partners at the Sri Lanka Free Media Movement (FMM) noted. Long after the end of the civil war, Jaffna remained under tight military control, off-limits to foreigners, and especially to foreign NGOs. Even journalists from the south of the country recalled needing their passports to visit the city in recent years (“like we were going to a foreign country,” one said)....Speaking to IPI and IFJ, local journalists and human rights campaigners seemed torn as to how to view the Sirisena administration’s promises. On the one hand, we were given the impression that a dramatic shift had taken place – literally overnight – after the election. Overt violence and threats against the press were largely gone, it was suggested. The military presence in Jaffna had been sharply reduced. Just days after taking office, Sirisena removed the Northern Province’s governor, a retired general close to Rajapaksa, and Opens external link in new windowreplaced him with a respected diplomat – a sign, area journalists said, that the “culture of arbitrariness” and hostility under the previous government was being rooted out. On the other hand, it was clear that, despite a general feeling of hopefulness, the memory of past disappointments weighed heavily on journalists in the Jaffna area. Expectations that the new government would be a game-changer were virtually always counterbalanced by scepticism and a wait-and-see attitude, as if bracing for the possibility of disappointment. For example, a common concern voiced was that the military authorities were continuing to subject journalists to surveillance, collecting material that could be used against them in the event of another regime change – or change of heart. The military was interpreted to be saying: “Our hands are tied but our eyes are open.”

“There is a lot of talk from the government,” V. Kanamaylnathan, editor of

‘At a meeting in Colombo, provincial journalists from across the island echoed testimony of a truly remarkable shift. “When we came to Colombo [previously] we were threatened and attacked,” one journalist from Trincomalee said. “Now there is nothing like that, we experience freedom.”

‘Still, the tension between hope and instinctual mistrust was present here, too. “All governments love media at the beginning,” Janur Kichilan, from Kurunegala, in North West Province, observed. “[But] we don’t know how it [will] turn later.”’⁴²

8.2.3 TamilNet reported on 9th April 2015 that:

‘A two-member squad, dressed in civil clothes, was trying to knife three journalists in Jaffna after chasing them in a motorbike for 2 kilometres at Nalloor on Tuesday night. The journalists were returning to their offices in two motorbikes after collecting news of a hunger strike when the incident took place. The journalists managed to escape from the attackers and rushed to the Police station in Jaffna to lodge a complaint on the assassination attempt. At the police station, they saw the motorbike of the attackers parked inside the premises and the alleged attackers were a police inspector and a sergeant. The police officers at duty refused to file the complaint from the journalists. In the meantime, another reporter from Point Pedro has been remanded on Wednesday for filing a story about an attempted rape of a school girl by a police constable belonging to Nellyyadi police station.’⁴³

8.2.4 In April 2015 Reporters Without Borders (RSF) and Journalists for Democracy in Sri Lanka (JDS) reported their concern that the Sri Lankan authorities were ‘resuming practices designed to intimidate Tamil journalists.’ RSF cited in an article that:

‘Four Tamil journalists based in the northern cities of Mannar and Vavuniya were summoned for questioning by the police in Colombo yesterday [28 April], just days after another journalist received a similar summons that resulted in his being charged with publishing false information...

‘No reason was given for the summonses that the Colombo Crime Division issued yesterday to Anthony Thevarajan Mark of the Rupavahini Corporation, Jude Pelistis of ITN [International News], freelancer Lambert Rosairo and Ponnaia Manikkavasagam, who works for the BBC and the

and questioned about articles published in 2009 in Veerakesari that criticized actions carried out by the government as part of its policy of resettling the north.’⁴⁴

8.2.5 The RSF article further recorded that the police in the northern city of Jaffna arrested N. Logathayalan, a freelance journalist working for the newspaper Uthayan, on 8 April 2015 because of an article implicating Jaffna-based officers in a case of police violence. His case was pending when this report went to publication... Two other journalists have reported being the victims of police aggression.⁴⁵

8.2.6 At the beginning of March 2015 an International Media Solidarity Delegation was facilitated in Sri Lanka by International Federation of Journalists (IFJ) affiliate the Free Media Movement (FMM), comprised of the International Federation of Journalists (IFJ), the International Freedom of Expression Network (IFEX), the International Press Institute (IPI) and the South Asian journalist, Siddharth Vardarajan, former editor of The Hindu. Reporting on the visit, the IFJ observed:

‘During the five-day visit, the delegation travelled to Sri Lanka’s north to meet with journalists from Jaffna as well as provincial and regional journalists. It then visited the country capital, Colombo, for meetings with government ministers, metropolitan journalists and unions and conducted a national press conference and civil society forum on media freedom.

‘In its meetings with the government, the delegation was assured that the long-awaited Freedom of Information (FoI) bill would be tabled this month and passed before the upcoming parliamentary elections. The second assurance given to the delegation was a commitment to tackle impunity for crimes against journalists – a long-running and festering blight on Sri Lanka’s reputation globally....

‘During meetings with local journalists, the delegation noted the near universal agreement that the situation in Sri Lanka had improved, in some cases dramatically, since the January election. However, in the country’s north and in the northern city of Jaffna there remains a level of uncertainty about whether the atmosphere will last. The delegation raised these issues with the government, stressing the importance of ensuring any improvements to media freedom are long-lasting.’⁽⁴⁶⁾

8.2.7 The IFJ article noted that Jane Worthington, the IFJ Asia Pacific deputy

shift in media freedom which is a heartening and hopeful sign not only for the media but for wider society to build its trust in a full and functioning independent media.’⁴⁷

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9. Internet Users

9.1.1 The Freedom House report, Freedom on the Net 2014 - Sri Lanka, 4 December 2014, stated that:

‘There were no new reports of arrests made for information shared by email 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. News reports said the detainees had disseminated similar content on Facebook and Twitter. The TRC [Telecommunications Regulatory Commission] 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.’⁽⁴⁸⁾

9.1.2 The US State Department’s 2013 Country Report on Human Rights Practices (USSD Report 2013), Sri Lanka, published on 27 February 2014, noted:

‘The government restricted access to the internet, including websites it deemed pornographic, as well as websites it deemed critical of the government. The government periodically blocked access to the Colombo Telegraph’s website, as well as several Tamil news websites, including the pro-LTTE TamilNet. Since 2011 the Ministry of Mass Media and Information required websites carrying local news to register with the government. The ministry blocked access to certain websites after receiving complaints about material that was “injurious to the image of the country, the head of the state, ministers, senior public officials, and other important persons.” Thereafter, the ministry blocked 10 websites, although one of those sites subsequently was unblocked. Additionally the government blocked various other news

Chief Justice Shirani Bandaranayake dismissed a fundamental rights case filed against the blocking of websites.⁴⁹

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Annex A

Letter from the British High Commission in Colombo with an update on the treatment towards journalists.



British
High Commission
Colombo

Country Policy & Information Team
Home Office

23 April 2015

Dear Colleague,

Re: Update on Journalist

You requested information on an update on Journalists with several key areas as below.

- **How are journalists and activists treated by the authorities and/or civil society?**

The current government invited journalists and activists in exile to return to the country, promising them a safe working environment. Fifty days into the new administration, the working environment has got much safer, and a previously

their new meeting/collaboration space and public forum. Under the previous regime, Twitter, Facebook and Whatsapp were used to circulate news and alternate views and spark debate and discussion about contentious issues. Massive social media campaigns in the run-up to the Presidential election also encouraged more effective use of such media. However, internet literacy that goes beyond emails and social media is low.

- Do the authorities monitor activists and journalists through the **internet/telephone lines etc?**

The previous government reportedly carried out heavy monitoring and surveillance of telephone calls, text messages. Websites and social media accounts of key individuals were monitored. When he took oaths the new president took a public undertaking to put a stop to such monitoring.

- Is there any 'evidence' relating to persecution of activists or journalists?

There was significant evidence of this under the previous regime. To name a few high profile incidents, the killing of journalists Sivaram (Taraki), Lasantha Wickremetunge, the enforced disappearance of Prageeth Ekneligoda and the numerous attacks on the Uthayan newspaper (including a number of killings of their staff – which is why Prime Minister Cameron made it a point to visit the newspaper during his historic Jaffna visit) and the local Maharaja news organisation.

- How are those that have been detained for speaking **out against the government treated?**

There are mixed reports. Part of the problem was many who were critical of the previous regime were often detained on allegedly fabricated terrorism charges. There have often been reports of physical/ mental torture of such detainees.

- What punishment do the courts lay down (generally)?

The most notorious case against a journalist was the Prevention of Terrorism Act (PTA) conviction of journalist J S Tissainayagam. There have also been lengthy court cases with authorities seeking vast amount of money as compensation (Sunday Leader, Uthayan)

- Are they **able to relocate within Sri Lanka?**

While recognising that Sri Lanka is in transition and things could be different after the proposed Parliamentary elections, as things stand right now, there is a good chance that they could relocate. However, to also be mindful that "... several self exiled journalists have expressed concern that mere calls (by the president/government) for return were not sufficient, and that conditions favourable for return had to be created. Some have cited potential arrests warrants and court cases against them that may still be pending. Couple of journalists who have to pay "overstay fines" to the country they are presently in, before they are allowed to return back to Sri Lanka (despite them being recognized as refugees by UNHCR), have made appeals to the Sri Lankan government to intervene diplomatically to waive these off. But there has been no clear response. The government has announced that investigations will commence into killing of Sunday Leader Editor Lasantha Wickramatunga and other journalists, media personnel and media institutions who have been killed, disappeared, assaulted and subjected to arson attacks" (From a blog by a HRD).

Apart from all of this please also check the FCO annual Human Rights reports for Sri Lanka during the last few years and the quarterly updates to these.

Other References:

<http://www.state.gov/j/drl/rls/hrrpt/2013/sca/220404.htm>

<https://cpj.org/killed/asia/sri-lanka/>

<http://dbsjeyaraj.com/dbsj/archives/710>

This letter has been completed by staff of the British High Commission in Colombo entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author, or any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from the Home Office and any further enquiries regarding its

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **1.0**
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- this version approved by **Sally Weston, Deputy Director, Head of Legal Strategy, Immigration and Border Policy Directorate**
- approved on: **28 August 2015**

Changes from last version of this guidance

- First version of country information and guidance in this format.

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