

SRI LANKA

DEMOCRACY UNDER THREAT

The year 2019 was marred by the Easter Sunday Attacks. On April 21, the jihadist group National Thowheeth Jama'ath set off suicide bombs in three churches as well as hotels in Sri Lanka killing over 240 Christian worshippers. Following these bombings, large-scale retaliatory violence was unleashed against the Muslim communities in Sri Lanka. Organised violent mobs destroyed businesses, vehicles and houses, and took one life.

The bombings and the mob violence that followed had lasting implications on human rights. Calls for strengthening national security returned. The new and amplified wave of nationalism established Sinhala-Buddhist supremacy and Islamophobia as decisive political factors.

National security and political stability were the key pledges made by retired Lieutenant Colonel Gotabaya Rajapaksa who contested the presidential election in November 2019. Having secured 52 per cent of the votes, President Rajapaksa was elected as the sixth executive president of the country. His campaign appealed largely to the Sinhala-Buddhist majority, and he secured over 60 per cent of the Sinhalese votes. Only 20 per cent of the Tamil and Muslim electorate voted for President Rajapaksa, pointing to the continued division based on identity and the unresolved conflict along ethnic lines.

During his election campaign, President Rajapaksa spoke of national security, a disciplined society and economic development. Strengthening democracy, human rights and reconciliation did not feature in his electoral mandate. Justice for the serious human rights violations committed during the last phase of the war was displaced from the political agenda. It became uncertain whether even the slow progress achieved in the transitional justice process would continue. In February 2020, Sri Lanka Government (GoSL) withdrew its co-sponsorship from Resolutions 30/1, 34/1, & 40/1 on Human Rights, Reconciliation, and Accountability in Sri Lanka at the 43rd session of the UNHRC.

Democratic spaces in Sri Lanka began to shrink in Sri Lanka after November 2019. Investigations into serious human rights violations – including the killings, abductions, and assaults of journalists – came to a halt. In some cases, officers who had been investigating the crimes were demoted or transferred.

Barring a few exceptions, Sinhala media is dominated by Sinhala-Buddhist supremacist ideology and is openly and aggressively pro-government. With the rise of militarisation of civilian life, the military and Sinhala Buddhist groups have come to wield enormous power in Sri Lanka.

Journalists, local media organisations and human rights organisations anticipate drastic changes following the general election of 2020. The president has called for a two-third support in the parliament in order to abolish the 19th Amendment to the Constitution which placed checks and balances on the powers of the executive president and established independent commissions integral for democratic governance. A paper published by the Centre for Policy Alternatives in March 2020 summed up the situation in Sri Lanka: “The prospects for democracy and reconciliation in the immediate future are bleak but the multiple challenges may also galvanise democratic forces to come together to counter and challenge. Post-independence

Supporters of Sri Lanka Podujana Peramuna party presidential candidate Gotabhaya Rajapaksa attend a rally in Homagama on November 13, 2019. Rajapaksa was elected in November on a platform of national security. Strengthening democracy and human rights did not feature in his campaign. CREDIT: JEWEL SAMAD / AFP



Sri Lanka has witnessed the resilience of civil society, judiciary, media and others, sometimes under extremely trying circumstances.”

DEVELOPMENTS IN THE MEDIA INDUSTRY

A key concern in Sri Lanka is ownership of media, which has always been controlled by the government and by private owners who are politically connected. Political control over state media continues and it operates as a tool to propagate state ideology. At the same time, privately-owned news media remain biased on political lines.

As part of a long-standing demand, the Federation of Media Employees Trade Unions (FMETU) recommended the conversion

POST-INDEPENDENCE SRI LANKA HAS WITNESSED THE RESILIENCE OF CIVIL SOCIETY, JUDICIARY, MEDIA AND OTHERS, SOMETIMES UNDER EXTREMELY TRYING CIRCUMSTANCES.



of the Associated Newspapers of Ceylon (Lakehouse) into a public service journalism institution. This could proceed on the basis of the recommendations of the Sidath Sri Nandalochana Committee appointed by the Chandrika Bandaranaike Kumaratunga government of 1994 or a new committee as per the provisions of the ANCL (*Special Provisions*) Law No of 1973 which has been bypassed for nearly five decades by successive governments. An allied recommendation was the appointment of a Public Service Broadcasting and Television Independent Commission to take actions necessary to ensure that the Sri Lanka Broadcasting Corporation, the Sri Lanka Rupavahini Corporation and the Independent Television Network promote genuine public service journalism.

Polarisation of the media in Sri Lanka along ethnic and language lines continued. In addition, biased election reporting

by media became a highly contentious issue during the presidential election. The Asian Network for Free Elections (ANFREL) observed that while the presidential election was largely peaceful and orderly, media was partisan: “...media in Sri Lanka now has a more conducive atmosphere in relation to press freedom compared with ten years ago. But at the same time, the perception of ANFREL observers is that the media has been blatantly biased in many instances, more particularly with private media.”

During the period covered by this report there were no instances of official media censorship in the country. Media personnel, including foreign journalists officially had access to all parts of the country. However, reports reveal that self-censorship is being practiced by media organisations in Sri Lanka: State media as well as privately owned media go to great lengths to

THE CULTURE OF IMPUNITY IN SRI LANKA HAS BEEN REPEATEDLY POINTED OUT AS ONE OF THE MAIN REASONS FOR WHICH RELIGIOUS EXTREMISM AND HATE SPEECH THRIVE IN THE COUNTRY, UNDERMINING THE RULE OF LAW AND HUMAN RIGHTS.

ensure that their journalists conform to the interests of the owners, including their commercial interests.

In a case that reveals the politicisation of the industry and the resultant pressure on journalists in the country, senior Tamil language journalist KM Razool working with Capital FM was suspended on October 16, 2019 for ‘alleged insubordination’. He was suspended for refusing to publish unverified content attacking the leadership of the Tamil National Alliance (TNA), and the United National Party (UNP), and favouring Sri Lanka People’s Front candidate Gotabaya Rajapaksa in the lead up to the presidential election.

The media landscape in the country remains male-dominated. Among the accredited provincial correspondents there are only 33 women journalists (three per cent) compared to 1,022 men. Women journalists face discrimination as well as stereotyping at the workplace. In August 2019, the Chevening Alumni Association of Sri Lanka established Women in Journalism Sri Lanka (WJSL) in an attempt to empower and connect women media workers.

Social media in the country is dominated by Facebook. According to a report published in February, Facebook held 76 per cent of the total social media landscape (compared to Pinterest 9 per cent, Twitter 6 per cent, YouTube 5 per cent, and Instagram 4 per cent).

Facebook has been repeatedly accused of inaction over incitement of communal tensions in Sri Lanka, but there have been no significant steps taken to address this concern. Following the Easter Sunday attacks, social media platforms, including Facebook, were blocked for a week in an attempt to curb the spread of fake news and communal tensions. Notwithstanding the opportunity it provides for informed discussions and challenging the dominant narrative, social media in Sri Lanka, particularly in local languages, has become a platform for hate speech and misinformation.

SAFETY OF JOURNALISTS AND MEDIA OUTLETS

No killings or disappearances of journalists were reported from Sri Lanka in the period under review. However, there were numerous incidents of interrogation, intimidation, and arrest of journalists. Journalists were obstructed from reporting on at least two occasions. In July 2019, a Muslim journalist was denied entry into a temple in Kandy. Journalist MN Aminullah, working for the state-owned media house Lake House attended the meeting to provide media coverage based on an invitation from the Sri Lanka Air Force. A foreign journalist was denied access to Iranaitheevu island by the Navy in January 2020.

Numerous incidents of threats and attacks against journalists were reported. Inform Human Rights Documentation Centre documents that there have been eight incidents in January alone. In one incident, seven journalists in Batticaloa received death threats. In another incident, a journalist in Chilaw was assaulted by a group linked to local politicians after he reported on an unauthorised filling of a paddy field.

Following the Easter Sunday attacks, Muslim journalists became victims of discrimination, hate speech, and heightened

surveillance. The severity of hate speech on social media has become a cause for serious concern in Sri Lanka. Journalist Azzam Ameen was subjected to online harassment on social media by organised groups who flooded his platforms with hate speech and racist comments. Targeted for his Muslim identity, Ameen faced continued harassment despite his clarification that all his reports were based on facts.

Tamil journalist Thusian Nandakumar, an editorial member of Tamil Guardian website was also subjected to online hate speech following the Easter Sunday attacks, for pointing out in a BBC interview that Tamil Christians in Sri Lanka had been massacred by the Sri Lankan military. Responding to the increased polarisation following the Easter Sunday attacks, on May 3, 2019, the Free Media Movement (FMM) organised a public discussion to focus on hate speech, its repercussions and how it can be avoided.

“The culture of impunity in Sri Lanka has been repeatedly pointed out as one of the main reasons for which religious extremism and hate speech thrive in the country, undermining the rule of law and human rights,” noted the UN Special Rapporteur on Freedom of Religion or Belief in his report on Sri Lanka to the 43rd session of the UNHRC. He urged media and social media platforms to enforce community standards and invest more resources to monitor and respond to incitement to hatred or violence while protecting freedom of expression and access to information.

When the current president’s brother Mahinda Rajapaksa ruled the country, at least 14 media workers were killed in Sri Lanka. More than 20 journalists left the country due to death threats. Others have been arbitrarily arrested, tortured, and disappeared while in custody of the security forces.

Observing the anxiety that many journalists now face after the 2019 presidential election, Victor Ivan, a senior journalist and founding editor of Sinhala weekly newspaper *Ravaya*, said that many journalists now feel threatened and feared that no one would stand by journalists, dissidents and civil society.

MISUSE OF THE ICCPR ACT

Misuse of the International Covenant on Civil and Political Rights (ICCPR) Act to curb free speech emerged as a key challenge to freedom of expression in Sri Lanka. Section 3 of the ICCPR Act, 2007 prohibits incitement of discrimination, hostility or violence through advocating national, racial or religious hatred.

In June, the Organised Crime Division attempted to take action against journalist Kusal Perera under the ICCPR Act over an article in the *Daily Mirror* titled ‘From Islamic terrorism to marauding Sinhala Buddhist violence’. However, the immediate uproar, including by IFJ affiliates, against this caused the police to drop the plan to interrogate him.

Award-winning dramatist, radio playwright, film producer and director Malaka Devapriya was summoned to the Organised Crimes Prevention Division of the Police on October 18 following a complaint made against one of his dramas broadcast on the national radio station in 2018. The complainant,



A man reads a newspaper with a headline on Sri Lanka's dissolution of parliament in Colombo on March 3, 2020.
CREDIT: LAKRUWAN WANNIARACHCHI / AFP

a Buddhist monk, alleged that the title of the drama was a blasphemous distortion of Buddhist terminology. Police filed a case under the ICCPR Act.

In an interesting turn of the tables, Derana CEO and Gotabaya Rajapaksa loyalist Dilith Jayaweera was also charged with violating the ICCPR Act. An address he delivered at a book launch irked Buddhist monks.

In September, the Human Rights Commission of the Sri Lanka (HRCSL), in a letter addressed to the acting inspector general of the police, observed that the ICCPR Act had not been enforced in a 'consistent and an even-handed manner'. The letter was accompanied by a legal analysis of Section 3 of the Act in light of relevant international jurisprudence and the recommendations of the HRCSL.

It is ironic that the ICCPR Act enacted to combat hate speech is being used against minorities and to curb freedom of expression. Significantly, the act has never been used against extreme Sinhala Buddhist groups who have propagated hate speech against minorities. Clément Nyaletsossi Voule, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his End of Mission Statement in July raised the concern that Section 3 of the ICCPR Act is being used "to target minority communities, while highly publicised instances of hate speech within the majority community have remained largely unpunished".

INTERROGATION, INTIMIDATION AND ARRESTS

The months before the presidential election witnessed several arrests. A journalist from the *Thinakaran* newspaper was arrested on May 9 for being in possession of newspaper cuttings featuring the leader of National Thowheeth Jama'ath (NTJ) who was responsible for the Easter Sunday attacks. A few days later, on

May 13, Mohommed Rizvi Maharroof was arrested under the incorrect assumption that he possessed CDs with promotional material of the NTJ.

In August, police verbally abused, threatened, assaulted and then arrested a woman journalist working for the Catholic newspaper *Gnanartha Pradeepaya*. Police also took video footage of her and her home. She was also assaulted with a chair at the police station. She was released upon complaining to the Officer-in-Charge (OIC). She was not informed of the reasons for arrest. A few days later, an unknown mob attacked her house with stones.

On September 5, Jinasena Rathugmage, a senior Sinhala journalist in Vavuniya was interrogated by the Terrorism Investigation Division (TID) for around six hours for reporting on the arrest of Kilinochchi's Judicial Medical Officer.

A clear surge in violations was visible immediately following the presidential election. Incidents of intimidation and violence occurred in several parts of the island. Freelance journalist Lasantha Wijeratne was attacked on November 14 by a group of unidentified armed men who stormed into his house in Habaraduwa in the Southern Province during the wee hours of the morning. A terrorised Wijeratne was slashed with a sharp weapon, threatened and beaten. Before the incident, Wijeratne had released the book, *Wasteful Development and Corruption*, which allegedly criticised Gotabaya Rajapakse, one of the front-runners of the presidential race. The attackers mentioned his book during the attack and told Wijeratne to remove all copies from book shops. It is believed that this book was the cause of his assault. Though the police commenced an investigation into the incident, there has been no progress so far.

Following the presidential election, independent journalists and critical online media came under pressure. Individual journalists were intimidated and a set of leaflets carrying death



Activists from the Free Media Movement (FMM) hold candles and placards during a vigil organised to pay tribute to journalists killed while doing their jobs, in Colombo on January 28, 2020. CREDIT: LAKRUWAN WANNIARACHCHI / AFP

threats against seven Tamil journalists in Batticaloa were left at the Batticaloa Press Club and a nearby bus stop.

Surveillance of journalists also increased and the digital media was particularly targeted. On November 22, Sri Lankan police visited and interrogated Sakthivelpillai Prakash, the editor of the Tamil-language newspaper *Thinnapuyal*. The police also demanded details of all reporters and correspondents. Sanjay Dhanushka, a journalist who manages the video channel at *TheLeader.lk news*, was summoned and questioned by the Criminal Investigation Department (CID) for several hours. *Newshub.lk* reported that their office in Nugegoda was searched by the police on November 26, upon a false complaint that the company had in its possession defamatory material targeting a presidential candidate. Thushara Vitharana, the editor of the *Voicetube.lk*, was summoned for questioning by the CID. She was interrogated for two hours.

The director of Vavuniya-based Tamil language newspaper *Thinappuya*, Sakthivelpillai Prakash, his wife, and another editor were summoned by the TID on March 2, following the paper's coverage of the UN Human Rights Council in Geneva.

EXPANDING ONLINE MEDIA

Sri Lanka has a rapidly expanding vibrant alternative media culture online. There are numerous internet-based radio and video channels as well. Livestreaming via Facebook has become a popular method to reach out to large audiences online. While mainstream private and state media increasingly follow the dictates of the government, opposition political parties and civil society groups have taken to the online space.

However, the access to and quality of internet connections are limited by infrastructure as well as the nature of connections offered. Fibre optic connections are limited to few cities. While most of the social media users access internet through smart phones, network penetration is expensive, and weak, particularly in rural areas.

There are two journalists associations working with web-based media: Professional Web Journalists' Association (FWJA)

and Internet Media Action (IMA). FWJA has its own *Guidelines for Web media*. In 2019, IMA, together with other civil society organisations drafted a 'Social Media Declaration'. Signatories pledged their commitment to eradicate discrimination based on race, religion caste, sexual and work to end gender-based violence, violations of rights of the child, content inciting hate or violence, threats and intimidation, misinformation, and data theft among other issues.

The FMM and FMETU, in collaboration with the International Federation of Journalists (IFJ), each conducted workshops with digital journalists in December 2019. At the workshops, digital journalists discussed various the challenges they encounter and recognised the need to be organised as an immediate step towards addressing these challenges.

CHANGES IN THE LEGAL ENVIRONMENT

Immediately following the Easter Sunday attacks in April 2019, the Sri Lankan government blocked access to social media to prevent incitement of communal violence. The government warned that laws under emergency regulations would be strictly enforced against persons and groups using any media to spread rumours, false propaganda or misinformation.

In late May, the cabinet approved amendments to the penal code and criminal procedure code, criminalising the dissemination of 'false news' if it was deemed to affect 'communal harmony' or 'state security'. The amendment used broad and vague terminology and carried a fine of LKR 1,000,000 (USD 5,000) and/or a five-year prison sentence for offenders. In the backdrop of the police misusing the ICCPR Act to restrict freedom of expression, concerns were raised regarding the amendments. In a letter to the minister of justice and prison reforms, FMM expressed its concern that the proposed legal amendments could seriously threaten freedom of expression and media freedom in the country.

Meanwhile, the government has reached the final stages of drafting a Cyber Security Act to prevent the publishing

A Sri Lankan security personnel stands guard at a checkpoint in Colombo on May 13, 2019 after Sri Lanka imposed a nationwide lockdown. CREDIT: LAKRUWAN WANNIARACHCHI / AFO



HINDRANCES TO THE RIGHT OF MEDIA WORKERS TO ORGANIZE AND FORM UNIONS CONTINUE IN PRIVATE MEDIA ORGANISATIONS. PROVINCIAL JOURNALISTS WHO PLAY A PRIMARY ROLE IN PRINT AND ELECTRONIC MEDIA ARE STILL NOT ENTITLED TO LABOUR RIGHTS

of defamatory posts and comments on social media. The draft act establishes a mechanism for immediate removal of posts with ethnic or religious sensitivities that could spread hatred on social media. Under the new mechanism, a Digital Infrastructure Protection Agency (DIPA) will be set up as an apex body for all cyber security related affairs including credit card fraud, online sexual exploitation, hacking, and intellectual property theft, cyber terrorism, and processing of unauthorised information.

RIGHT TO ASSOCIATION

Immediately after his appointment, President Gotabaya Rajapaksa brought the secretariat of non-governmental organisations (NGOs) under the Ministry of Defence, which he heads. Just a few months before, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Clément Nyaletsossi Voule had written that it was "... encouraging to note the recent transfer in competency for the NGO Secretariat from the Ministry of Defence to the Ministry of National Integration, Official Languages, Social Progress and Hindu Religious Affairs".

The impact of the change is already being felt. In March 2020, NGOs in Mullaitivu District were ordered by the District Additional Secretary to minimise empowerment programmes such as trainings on women's rights, child rights, human rights, and land rights, as well as to minimise the setting up and strengthening of self-help groups.

Operations of the Consortium of Non-Governmental Organisations in Ampara district have been disrupted by the frequent inspections and questionings by the TID. In July, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed concern at the numerous accounts of surveillance, including online surveillance, used

to monitor the activities of civil society and intimidate those dissenting peacefully. He also noted the continuing concerns over the Prevention of Terrorism Act which challenges the enjoyment of the freedom of peaceful assembly and association.

Likewise, the UN Special Rapporteur on freedom of religion or belief who visited Sri Lanka in August called upon the state to combat violent extremism while ensuring that any strategies to prevent violent extremism or counter terrorism are in compliance with international human rights law

In an effort to monitor and contain dissent, in February 2020, the government established an 'Agitation Area' reserved for protests near Galle Face Green in Colombo.

Hindrances to the right of media workers to organize and form unions continue in private media organisations. Provincial journalists who play a primary role in print and electronic media are still not entitled to labour rights such as the Employees Trust Fund or Employees Provident Fund.

Ensuring a free media culture is not achievable without bringing in a system of providing those provincial full-time journalists with a letter of appointment, a reasonable wage and assurance of their rights. The recommendations of the government-appointed committee set up in 2018, chaired by Director General of Information comprising of the Secretary to the Ministry of Finance and Media and Labour Commissioner have yet to be implemented.

TOWARDS MEDIA REFORM

The year witnessed several joint initiatives. Journalists' organisations in Sri Lanka including IFJ affiliates came together to commemorate 'Black January' on January 28. They called on the new president to end impunity and secure justice for outstanding unsolved cases of assault, murder, and disappearance of journalists and media workers.



Fulfilling a long overdue demand by organisations working on press freedom, the government decided to open the Committee on Public Enterprises (CoPE) to media on August 9. Appreciating this historical step, the FMM recalled that from the inception it had been advocating for transparency. In order to strengthen freedom of expression in Sri Lanka and promote media reform, the FMM set up a website containing primary documents related to media reform in Sri Lanka from 1948.

In a significant move towards strengthening journalists' rights as well ethical and professional journalism, the Sri Lanka Working Journalists Association (SLWJA); the Free Media Movement (FMM); the Federation of Media Employees Trade Unions (FMETU), Sri Lanka Tamil Media Alliance (SLTMA), Sri Lanka Muslim Media Forum (SLMMF) and Young Journalists Association (YJA) together drew up and adopted a 'Rights and Responsibilities Charter'.

Adopted on September 8, the charter lays down ten rights including labour rights, the right to association and organisation and the right to know. The ten responsibilities include adherence to journalistic tenets of fairness, accuracy, balance in accordance with ethical codes laid out by the IFJ and the Sri Lanka Press Complaints Commission.

Media organisations also reiterated their recommendation to abolish the Sri Lanka Press Council and strengthening of the Sri Lanka Press Institute and the Sri Lanka Press Complaints Commission.

On March 23, in a joint statement, six media organisations in Sri Lanka called on media institutions to implement safety precautions in the newsrooms as well as while covering the Covid-19 pandemic.

STILL SEEKING JUSTICE: IMPUNITY UPDATE

Several cases of assault, disappearance, and murder of journalists and human rights defenders between 2009 to 2015 are ongoing. Families of journalists so victimised have kept the struggles for justice alive, pointing to the significance of supporting and engaging family members of victimised journalists.

Just two weeks before of the presidential election on November 7, Cabinet of Ministers approved a proposal to compensate 78 journalists subjected to harassment and persecution during 2005-2015, with amounts ranging from Rs 200,000 to Rs 1.5million (USD1,000 – USD7,700). There was no time to implement this cabinet decision.

Ahimsa Wickrematunge, daughter of slain journalist Lasantha Wickrematunge, filed a lawsuit in the US against the former Defence Secretary Gotabaya Rajapaksa in April 2019. The lawsuit was filed seeking damages from Rajapaksa for instigating and authorising the extrajudicial killing of Lasantha Wickrematunge former editor of the *Sunday Leader*, killed in January 2009 while he was on his way to office.

Although her case was dismissed by a district judge, a Federal Appeals Court in San Francisco later allowed her appeal against the decision of the district judge. In a brief order, the three-judge panel granted the daughter's request to dismiss her case as moot, because Gotabaya Rajapaksa is now president, but dismissed the case 'without prejudice', meaning the case can be brought back later.

Carrying on her campaign for justice for her father, Ahimsa Wickrematunge filed a complaint on February 21 against Senior Superintendent of Police, W Thilakaratna, for attempting to aid Udayanga Weerathunga to escape arrest at the Commission to Investigate Allegations of Bribery and Corruption (CIABOC).

'[T]his plea is consistent with my previous pleading in a civil matter in another jurisdiction that I firmly believe that my father's murder stems from his efforts to investigate the crimes [with] which Mr Weerathunga is charged. The CID has revealed, since 2015, that at least three additional people were killed in an attempt to cover up my father's murder', she stated.

Just as Ahimsa Wickrematunge has become a crucial force in the struggle to obtain justice for her father, Sandya Eknaligoda, the wife of disappeared journalist Prageeth Eknaligoda has been engaged in a long struggle for justice for her husband. She has built a worldwide campaign for justice and accountability.

On November 7, the Attorney General filed indictments



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From far left: Freelance journalist Lasantha Wijeratne was attacked on November 14 by a group of unidentified armed men who stormed into his house in Habaraduwa in the wee hours of the morning. Wijeratne was slashed with a sharp weapon, threatened and beaten. Before the incident, Wijeratne had released a book on corruption which allegedly criticised Gotabaya Rajapaksa, one of the front-runners of the presidential race.

A municipal worker sprays disinfectant solution on AFP photographer Lakruwan Wanniarachchi, in Colombo on March 31, in efforts to prevent the spread of Covid-19. CREDIT: AFP

in the High Court against seven army intelligence officers in connection with the abduction of journalist Prageeth Eknaligoda. By this time, the AG had already filed indictments in the Homagama High Court against seven army intelligence officers attached to the Giritale Army camp. The charges were filed under section 102, 113 (A), 356 of the Penal Code in respect of conspiracy and abduction of journalist Prageeth Eknaligoda on or around August 27, 2009.

A major breakthrough was made in the probe into the assault on former editor Upali Tennakoon in early July 2019. Fingerprints found on Tennakoon's vehicle on the day of the assault were linked to an army officer accused of being involved in the attack. Upali Tennakoon was assaulted on January 23, 2009, in an apparent attempt to kill him by assailants on motor bikes. Both Tennakoon and his wife were injured during the attack.

CRUCIAL CROSSROAD

Sri Lanka itself, as well as the democratic rights of the people, are at a critical crossroad. The Covid-19 pandemic has exacerbated the situation. Media and journalists are faced with new challenges of reporting the epidemic in a balanced way, communicating facts and health advisories without giving in to fear mongering and discrimination.

As expected, the government has responded to the pandemic with increased authoritarianism, and the country has been under an unofficial health emergency since mid-March 2020. The declaration of a State of Emergency needs to be endorsed by the parliament within a month, but parliament is being dissolved and elections postponed. Hence the government has declared a "Police Curfew" to maintain peace, law and order under the Police Ordinance.

Sinhala nationalist media including a majority of social media users launched anti-minority rhetoric by blaming a particular community for the epidemic. In this context the Ministry of Health and Indigenous Medical Services issued guidelines for

reporting Covid-19, requesting the media not to mention race or religion of infected persons or of those who die of it; not to publish photographs or show videos of infected persons without their permission and not to report in a manner that causes hatred among people.

On April 1, the media division of the Sri Lanka's Police, upon the instructions of the Acting Inspector General of Police (IGP), issued a notice addressed to all media organisations that strict legal action will be taken against those who 'criticize', point out 'minor shortcomings/failures' or 'scold/chastise' state officials performing their duties.

In a statement, seven journalists' organisations expressed their concern about the IGP's directive and said that it should not be a hindrance to free expression online. Civil society too reacted sharply and said that the move "adversely impacts on the freedom of expression, in particular the expression of dissent. This constitutionally guaranteed freedom is key to holding the state to account for its actions, and questioning the action or inaction of state officials is the civic duty of every citizen, and is fundamental to ensuring a healthy and functioning democracy... Moreover, there is no provision in law that authorizes the arrest of those 'criticizing' the state. Hence, we are deeply perturbed by your instructions to the DIG of CID and all island OICs to 'strictly use the law' against such persons, to arrest them, produce them in court, and to take further legal action, as it could constitute extra-legal action that results in arbitrary arrest and detention." The signatories called upon the Acting IGP to "revoke the said directive and use existing legal provisions to deal with any action that would constitute an offense."

In order to defend and protect freedom expression in the coming years, Sri Lankan press freedom organisations need to strengthen solidarity locally and internationally. The post-Covid-19 situation will see economic hardships accompanied by strong-arm politics. Proliferation of social and digital media will challenge ethical journalism increasingly. The path ahead must be guided by uncompromising principles of ethical journalism.