

# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

## COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

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2nd February, 2010

### **ICJ Condemns Attacks on the Media and Government Restrictions on Freedom of Expression during Recent Presidential Elections**

The International Commission of Jurists (ICJ) has expressed alarm at a campaign of intimidation against journalists and media outlets and at the continuing use of emergency laws to restrict freedom of expression following the re-election of President Rajapakse on 26 January 2010. The ICJ calls for immediate Government action to reform these laws and to protect journalists from further harassment and attacks.

On 29 January, the Government arrested Chandana Sirimalwatte, chief editor of the pro-opposition paper, *Irida Lanka*. Reports indicate he was interrogated and detained without charge under Sri Lanka's emergency regulations and the offices of *Irida Lanka* sealed the following day by the Criminal Investigations Department citing reasons of national security. On 1 February, a Magistrate ordered the Government to lift the ban on *Irida Lanka*.

On 24 January, journalist Prageeth Eknaligoda, was reported missing. His fate and whereabouts remain unknown. The ICJ is concerned that he is a victim of an enforced disappearance. The offices of his employer, *Lanka E News*, were reported sealed off on 28 January and the news site blocked by State authorities. In a statement released on 30 January 2010, five Sri Lankan journalist organizations jointly criticized the imbalanced use of State broadcasting resources and related intimidation and harassment during the presidential election campaign, including the blocking of four other internet news portals.

"There is justifiable alarm at the Government's continuing use of emergency provisions arbitrarily to restrict freedom of expression and other rights in defiance of Sri Lankan and international law and standards. This has cast a cloud over the recent elections and undermines broader aspirations for political reconciliation and a return to the rule of law," stated Roger Normand, ICJ's Asia-Pacific Director.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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In reports issued in March and September of 2009, the ICJ raised concerns of the Government misusing overly broad and sweeping powers under the *Prevention of Terrorism Act* (1979) and the *Emergency Regulations* 2005 and 2006 to restrict and criminalize protected expression. Sri Lanka's emergency laws put journalists, lawyers, and humanitarian aid workers at risk of losing their liberty, without sufficient judicial safeguards against politically motivated prosecution.

The consequences were demonstrated in the emblematic case of Tamil journalist, J.S. Tissainayagam, who was prosecuted in 2009 under anti-terrorism and emergency provisions for two articles written in 2006. His High Court conviction and twenty-year sentence of 'rigorous imprisonment' is before the Court of Appeal (see ICJ reports at [http://www.icj.org/news.php3?id\\_article=4475&lang=en](http://www.icj.org/news.php3?id_article=4475&lang=en) and [http://www.icj.org/news.php3?id\\_article=4556&lang=en](http://www.icj.org/news.php3?id_article=4556&lang=en)).

It was expected that the attacks against media workers and human rights defenders would ease after the end of the war with the Liberation Tigers of Tamil Eelam in May 2009. The ICJ is concerned that the continuing pattern of violations indicates that the Government is unwilling to safeguard human rights even under peacetime conditions. This poses a grave threat to the existence of Sri Lanka's democratic institutions.

"The Government's continued use of emergency laws and other repressive measures to clamp down on media expression sends the worst possible signal in post-war Sri Lanka. The freedom to exchange information and ideas without fear of reprisals is vital for rebuilding public confidence in democratic governance and supporting popular aspirations for justice and reconciliation," concluded Normand.

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