



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Sri Lanka

Sri Lanka – LKA39437 – Tamil journalists  
– Harassment and intimidation

15 November 2011

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- 1. What evidence is there that the Sri Lankan authorities or security forces are targeting Tamil journalists or media professionals who have worked outside Sri Lanka? If they are, is there any evidence of the reasons they are doing so? Further, what evidence is there of the Sri Lankan authorities targeting Tamils who have worked overseas for media companies deemed to be sympathetic to the Tamil community, but not in publicly identified presentation roles?**

While limited information was located to suggest that Sri Lankan authorities specifically target Tamil journalists or media professionals who have worked outside Sri Lanka, information regarding failed asylum seekers indicates that in certain circumstances, returning journalists may attract the attention of authorities. According to a 2009 report from the UK Home Office, Mano Ganesan, a Member of Parliament and leader of opposition party the Democratic People's Front, claimed that in terms of failed asylum seekers, "those in the media or working for NGOs" (non-governmental organisations) were targeted upon arrival in Sri Lanka. This claim was supported by a representative of the Swiss Embassy in Colombo, who said that "increasingly human rights activists, journalists and other dissidents from either Tamil or Sinhalese ethnic groups were also being detained and questioned". The report also cited a representative from the Centre for Policy Alternatives, who said that returnees who had made asylum claims abroad would be treated on a "case by case basis. Tamils would face more scrutiny...NGO or media workers would be scrutinised even more".<sup>1</sup>

No information was located to indicate that Sri Lankan authorities are targeting Tamils who have worked overseas for media companies deemed to be sympathetic to the Tamil community, but are not in publicly identified presentation roles.

The Sri Lankan government has a well-documented history of targeting and often violently repressing both journalists and the broader media. According to the US Department of State (USDOS), Sri Lankan law "provides for freedom of speech and of the press, but in practice this was not always supported. Government officials criticized, pressured and harassed the media, and most journalists practiced self-censorship". In particular, government officials reportedly pressured editors and publishers – sometimes through direct threats and intimidation – to print positive stories about the government. Journalists critical of the government were regularly harassed and intimidated, and the government often accused them of treason, resulting in many journalists resorting to self-imposed exile.<sup>2</sup>

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<sup>1</sup> UK Home Office 2009, *Report of Information Gathering Visit to Colombo, Sri Lanka 23-29 August 2009*, UNHCR Refworld website, August, pg.13,17 <http://www.unhcr.org/refworld/docid/4ae066de2.html> – Accessed 24 August 2011

<sup>2</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Sri Lanka*, 8 April, Section 2.a

In July 2011, the International Crisis Group (ICG) reported that the post-war government has kept emergency and anti-terrorism laws in place, and “continue[s] to violently repress the media and political opponents, while manipulating elections and silencing civil society”. According to the ICG, a central feature of recent governance has been “constant pressure on critical media outlets and other civil society actors”. Between April 2004 and the end of the war in May 2009, conservative estimates suggest “at least fifteen journalists and media workers were killed – mostly Tamils but also Sinhalese and Muslims – while even more left the country for fear of persecution”. Journalists are reportedly “regularly reminded of the threat that they are under, cementing widespread self-censorship and the dominance of state-owned and pro-government news outlets”.<sup>3</sup>

A similar opinion was expressed in a 2010 report by the Danish Immigration Service, which noted that despite the end of the civil war, restrictions persist regarding freedom of expression, and “[j]ournalists and other writers are intimidated if they express themselves critically...[a]s a consequence, the media, including the independent media, are repressed and practice self-censorship”. With regard to Tamil journalists in particular, the report noted that the Tamil press in Sri Lanka “is limited by the absence of Tamil journalists as many of them have left the country”. The report also stated that “there is less intimidation on the Tamil media since the government reads only Sinhalese”. The Tamil press, however, strictly adheres “to self-censorship, even after the completion of the war in 2009 since they still fear of the remnants of the [Liberation Tigers of Tamil Eelam] LTTE [*sic*]...[a]t the same time they still fear the state military structure, which could impose strict legal barriers against them with Tiger labelling”.<sup>4</sup>

According to Freedom House, “journalists who report on sensitive issues like corruption, human rights abuses, and military strategy have been subject to harassment, intimidation, and increasingly, physical attacks”. Freedom House cited the International Federation of Journalists, which “described the media situation in Sri Lanka as a rapidly worsening ‘war on journalists’”.<sup>5</sup> In 2010, the Committee to Protect Journalists (CPJ) found that the Sri Lankan government was “continuing to repress the media, and that individual journalists still faced violence, harassment, and detention”. Attacks on journalists reportedly continued to go uninvestigated, and Sri Lanka “ranked fourth on CPJ’s 2010 Impunity Index, a ranking of countries where journalists are regularly murdered and governments fail to solve the crimes. Only Iraq, Somalia and the Philippines had worse records”.<sup>6</sup>

In March 2010, the United Nations Special Rapporteur on the Situation of Human Rights Defenders noted “the existence of a worrying and increasing trend aimed at delegitimizing the activities of human rights organizations, individual human rights defenders and journalists working in Sri Lanka”. The statement was released in response to an article published by Lanka News Web, which contained a list reportedly assembled by the Sri Lankan State Intelligence Services naming 31 human rights defenders and journalists, grading them according to their perceived importance to the intelligence services, and briefly describing

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<sup>3</sup> International Crisis Group 2011, *Reconciliation in Sri Lanka: Harder than ever*, Crisis Group Asia Report No 209, 18 July, pp.i,18

<sup>4</sup> Danish Immigration Service 2010, *Human Rights and Security Issues concerning Tamils in Sri Lanka – Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010*, October, pp.43-44

<sup>5</sup> Freedom House 2010, *Countries at the Crossroads 2010 – Country Report – Sri Lanka*, Freedom House website <http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=9&ccrpage=43&ccrcountry=198> – Accessed 23 November 2010

<sup>6</sup> Committee to Protect Journalists 2011, *Attacks on the Press in 2010: A Worldwide Survey by the Committee to Protect Journalists*, pp.159-160

their activities. Sixth on the list was journalist and human rights defender Sunanda Deshapriya, who has been living in exile since 2009 as a result of threats and media vilification following his participation in a session of the Human Rights Council and the 11<sup>th</sup> Special Session on Sri Lanka. He had received a number of threatening messages, was publicly denounced in the media, and videos containing death threats were reportedly posted on Facebook.<sup>7</sup>

In 2010, the United Nations High Commissioner for Refugees (UNHCR) stated that “concerns continue to be voiced in relation to journalists, publishers and other media personnel, who report critically on sensitive matters...reports indicated that such journalists could be subject to intimidation, harassment, physical attacks, arbitrary detention and disappearances”.<sup>8</sup> Little change was evident from the 2009 UNHCR report, which stated that “[j]ournalists, publishers and other media personnel associated with the dissemination of views critical of Government policies, in particular relating to the conduct of the war and the treatment of ethnic minorities, are at serious risk of targeted human rights violations including, attacks, abductions, arbitrary arrest and detention, and killing”. The 2009 report also noted that there were “increasing reports of journalists being arrested and detained under the anti-terror investigative powers”, and that “anti-terrorism legislation in Sri Lanka has been used to prosecute journalists for political views expressed”.<sup>9</sup>

In May 2011, the International Federation of Journalists reported that despite a decline in the number of recorded attacks on journalists, several incidents were reported during the previous year, including: an attack on photographers by uniformed police at an anti-government protest; an arson attack on the *Lanka-e-News* office; an attack on a group of journalists at an airport near Colombo; an attack on journalists covering an opposition protest march on the 63<sup>rd</sup> anniversary of Sri Lanka’s independence; and an attack and abduction of a prominent journalist in the Eastern province.<sup>10</sup>

## 2. Deleted.

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<sup>7</sup> United Nations Human Rights Council 2011, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya*, 28 February, pp.289-290

<sup>8</sup> United Nations High Commissioner for Refugees (UNHCR) 2010, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*, 5 July, p.5

<sup>9</sup> United Nations High Commissioner for Refugees (UNHCR) 2009, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*, April, pp.19,25

<sup>10</sup> International Federation of Journalists 2011, *Free Speech in Peril: Press Freedom in South Asia 2010-11*, International Federation of Journalists website, May, p.39 <http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf> – Accessed 26 October 2011

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