

# Further court delay to Sri Lankan legal challenge of film ban

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20 March 2001

A fundamental rights hearing in the Sri Lankan Supreme Court over the government's ban of the film *Purahanda Kaluwara* (Death On a Full Moon Day) has been postponed, for a second time, until May 28. The film, which shows the impact of Sri Lanka's long-running civil war on Sinhalese villagers, has been screened in a number of countries and has won several international awards.

But last year the Peoples Alliance government prevented any screenings of the film in Sri Lanka using the extended emergency laws promulgated in May following the army's loss of the strategic Elephant Pass base to the separatist Liberation Tigers of Tamil Eelam (LTTE).

Sri Lankan director Prasanna Vithanage took out the case in the Supreme Court, insisting that his rights of free expression and artistic creation were violated when Sarath Amunugama, the Minister for Irrigation and head of the National Film Corporation, banned his film on July 21, one week before scheduled screenings.

He has named Amunugama, the National Film Corporation (NFC), its chairman Tissa Abeysekara, the government censor Ariya Rubasinghe and other officials as respondents to his legal action. He also alleges that the minister and others had no jurisdiction to ban the film.

The Supreme Court ruled last September that it was necessary to investigate Vithanage's allegations and fixed a hearing for October 25. On that day, the court requested that the government's lawyers inquire into a "settlement" to allow the film's release and asked the parties to return on November 20. The scheduled hearing on that date, however, was postponed until February 5, after requests from lawyers for the respondents.

After months of delays, government lawyers told the

court on February 5 that they were not ready to discuss a "settlement". The court ruled that the case should be heard on May 28.

In his official response to Vithanage's petition, Amunugama justified the ban by saying that he was "duty bound" as a Cabinet member "to prevent any situation that may affect the morale of the security forces, the war effort of the Government, the recruitment drive launched by the armed forces and the police and any violation of the laws of the country by the distribution and the release of the *Purahanda Kaluwara*."

The minister's statement reveals the sweeping character of government censorship in Sri Lanka. *Purahanda Kaluwara* is not an overtly anti-war film. None of its characters denounce the war or the government. But it does demonstrate in a deeply moving way how the 18-year war has impacted on the lives of Sinhalese villagers. Its central character is a blind Sinhalese villager who refuses to accept the news that his only son has been killed in action, or to sign papers entitling the family to compensation.

In his court rebuttal of the minister's statement Vithanage said that his film was "a story of hope" and an attempt to "portray the difficult human struggle of people in a country facing a civil war and their strong spirit for survival". The director questioned Amunugama's statement that the film would be screened when "the security situation improves." This declaration, Vithanage said, is "vague and without any rational basis".

Vithanage encountered opposition to his film from government and military authorities from the outset. During production the defence ministry refused his request for the use of military equipment for some scenes. The ministry also demanded that he change the

script, alleging that it would discourage recruitment to the armed forces.

Respondents' answers to the court have also revealed that prior to banning the film last July government authorities told Vithanage that they would only allow screenings if the director removed scenes, which they claimed, violated the government's emergency regulations. The director, who had permission from the Public Performance Board to screen the film, refused to allow any cuts.

In a particularly cynical manoeuvre, the government, while doing all it can to ban *Purahanda Kaluwara*, recently presented Vithanage with an award for one of his previous films— *Pawuru Walalu* (Walls Within). The NFC, which is a party to the ban, also promoted screenings of *Purahanda Kaluwara* at the Bombay and Calcutta film festivals last September in India.

Determined to secure the release of his film in Sri Lanka, Vithanage boycotted the award ceremony and continues to demand that the ban on *Purahanda Kaluwara* be lifted.

He recently told the *World Socialist Web Site*: “While giving awards to *Pawuru Walalu*, they have blocked *Purahanda Kaluwara*. What has been deprived to me, to *Purahanda Kaluwara* and to society is a fundamental right—the right to have a dialogue with a piece of art... I boycotted the festival and refused the award because of the fundamental belief that I have in the freedom of self expression.”



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