Sri Lanka revives draconian law to gag media

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The Sri Lankan government has revived legislation that vests the Sri Lanka Press Council, a statutory body, with broad powers to restrict the media and punish offending journalists and publishers with fines and imprisonment.

The law was first enacted in 1973 by the coalition government of Prime Minister Sirima Bandaranaike amid a deep economic crisis and widespread social discontent. The government had just suppressed an armed uprising of rural Sinhala youth and was facing growing industrial action by the working class, including an all-island bank workers strike. The Lanka Sama Samaja Party (LSSP), which broke from Trotskyism in 1964, played a key role in the ruling coalition.

The Press Council continued to function as a mechanism to intimidate the media under successive governments until 2002 when it was rendered inoperative through a bipartisan resolution in parliament. The United National Front government of Ranil Wickremesinghe had just signed a ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE) as the basis for internationally-sponsored negotiations for a permanent peace. The law, however, was never scrapped.

After plunging the country back to war in 2006, President Mahinda Rajapakse and his government pressured and intimidated the media, but did not revive the Press Council. His decision to do so now is a sign of political weakness, not strength. Having militarily defeated the LTTE, the government is now facing a worsening economic crisis as the result of huge defence spending, compounded by the global recession.

The President has the sole prerogative to appoint the revived Press Council, including its chairman. Its orders and censures cannot be challenged in any court of law. Moreover, the Council is set above public criticism. Clause 12 states that it is a punishable offence if anyone "without sufficient reason publishes any statement or does anything that brings the council or any member thereof into disrepute during the progress or after the conclusion of any inquiry conducted by such Council".

The law prohibits the media from revealing any aspect of government discussions. "No person shall publish, or cause to be published, in any newspaper, any matter which purports to be the proceedings or any part thereof, of a meeting of the Cabinet of Ministers," it states. Even the contents of documents exchanged between ministries are prohibited from publication.

The most important restrictions are in clause 16. Subsection 3 states: "No person shall publish or cause to be published in any newspaper any official secret within the meaning of the Official Secrets Act or any matter relating to military, naval, air-force or police establishments, equipment or installation which is likely to be prejudicial to the defence and security of the Republic of Sri Lanka".

This sweeping prohibition on matters related to the military is particularly significant. Rajapakse has repeatedly accused opponents—the media, striking workers, protesting students and opposition politicians—of undermining "national security". In the wake of the LTTE's defeat, the government has retained draconian emergency powers and is boosting the military. It has been particularly sensitive to any criticism of the army's killing of civilians in its final offensives and the internment of nearly 300,000 Tamils in detention camps.

Subsection 4 prohibits the publication of "any statement relating to monetary, fiscal, exchange control or import control measures alleged to be under consideration by the Government or by any Ministry or by the Central Bank, the publication of which is likely to lead to the creation of shortages or windfall profits or otherwise adversely affect the economy of Sri Lanka".

Under the guise of a "nation building" program, the government is preparing a massive assault on the social position of the working class. In his victory speeches, Rajapakse declared that working people would have to sacrifice like the "war heroes" had. This subsection of the law effectively provides the means for suppressing any criticism of the government's economic policies.

The revival of the Press Council comes amid an

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atmosphere of communal triumphalism whipped up by the government after the LTTE's defeat, which was accompanied by intensified harassment and intimidation of anyone critical of the government or the military. In the first instance, Rajapakse is determined to block any investigation, no matter how limited, into his government's criminal war.

Last month, the opposition United National Party called for a parliamentary select committee to examine police investigations into the abduction and killing of hundreds of people, including journalists and politicians, over the past three years by death squads associated with the military. Media Minister Anura Priyadarshana Yapa summarily dismissed the proposal. "When you say that 11 journalists were killed, we have doubts about this figure. In this list of journalists, there are names of those who worked for the LTTE's Voice of Tigers. I don't know whether we can identify them as journalists," he said.

The abductions are continuing. Last Wednesday, Krishni Kandasamy (Ifham), a Tamil journalist, was seized by a gang, whom she suspected were policemen, on the outskirts of Colombo city. They arrived in a white van, the hallmark of the pro-government death squads. The thugs dropped her in Kandy, 116 kilometres away, without facing any challenge at the numerous security check-points in between.

Reporters, sales agents and other employees of *Uthayan*, a Tamil newspaper published in the northern town of Jaffna, received an ultimatum to stop working for the newspaper by June 30 or face the consequences. The newspaper has been repeatedly attacked during the past three years. Last week, copies of *Uthayan* and other Tamil newspapers were seized and burned in Jaffna town after refusing to publish an unsigned pro-government letter sent by unknown persons.

Earlier this month, Poddala Jayantha, the general secretary of the Sri Lanka Working Journalists Association, was abducted and brutally beaten by an unidentified gang on the outskirts of Colombo. Last year he was summoned by Defence Secretary Gotabhaya Rajapakse and warned not to criticise the military.

None of the attacks on the media has been seriously investigated by police. The reestablishment of the Press Council provides the government with the means to further suppress any critical reporting. Sections of the media, which has for the most part backed the war and raised very limited objections to the government's policies, have raised some concerns about the new law.

An editorial in last weekend's *Sunday Times* declared: "The Government's act is a stab in the back not only to the media but to the citizenry. The Press Council is meant to have a 'chilling effect' on media freedom; it is the proverbial 'sword of Damocles' hanging over the head of the media practitioner." It continued: "These undemocratic moves are totally un-becoming of the president, and the re-introduction of the Press Council betrays a gloomy picture for the future of the post-war Sri Lanka, and the questions are being raised if there is 'deep state' syndrome in Sri Lanka."

President Rajapakse, however, has increasingly acted with contempt for the constitution, the law and parliament, operating through a cabal of selected ministers, senior officials and military officers. The *Sunday Times* editorial reflect concerns in sections of the ruling elite that Rajapakse's open attacks on democratic rights will only undermine the legitimacy of the state apparatus and provoke opposition from working people.

The revival of the Press Council poses an obvious question: if the war is over, why is the government imposing tighter controls on the media? The answer is equally clear: it is to gag the press as this shaky government proceeds to make savage attacks on the jobs, living standards and democratic rights of working people.

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