

# Tamil journalist sentenced to 20 years jail by Sri Lankan court

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A Colombo High Court sentenced Tamil journalist J.S. Tissanayagam to 20 years of hard labour on Monday under the Prevention of Terrorism Act (PTA) and emergency regulations. This is the first time a journalist has been convicted under the PTA.

Tissanayagam was charged over two articles he wrote in the *North Eastern Monthly* magazine in 2006 and 2007 criticising the government's renewed war against the separatist Liberation Tigers of Tamil Eelam (LTTE) and its impact on Tamil civilians. His jailing is a major attack on democratic rights and media freedom.

Tissanayagam was convicted by High Court judge Deepali Wijesundara on three counts: attempting to cause acts of violence or racial or communal disharmony; attempting to cause such acts with the intention of causing disrepute to the government; and collecting and obtaining information for the purpose of terrorism and raising funds for the purpose of terrorism through the collection of funds for the said magazine.

His conviction was based on a confession extracted by the police Terrorism Investigation Division (TID), which is notorious for the use of torture. Under the PTA, such a confession can be used in court. Tissanayagam later retracted his "confession" in court, saying that it had been written under duress.

A written submission by Tissanayagam's lawyer showed that the confession was tampered with to suggest that his client had taken money from the LTTE. "The only allegation that he did [accept money from the LTTE] is based on a fraudulent alteration of the accused's purported confession," it stated.

Tissanayagam, a *Sunday Times* columnist and editor of the *Outreach* web site, was arrested on March 7, 2008, along with his wife Valarmathy and his printer Jaseetharan, who

are still under detention. The arrests took place as the Sri Lankan military intensified its offensive against the LTTE-held northern Vanni region. The government was determined to silence any criticism of the war, particularly of the military's indiscriminate ground and air attacks that were taking civilian lives.

The charges against Tissanayagam were framed nearly six months after his arrest, when he challenged his continued detention without charge. His lawyers lodged a fundamental rights petition seeking interim relief on the grounds of arbitrary arrest, torture, ethnic discrimination and a denial of equality of protection under law. The Supreme Court denied the petition.

The prosecutor, State Attorney Sudharshana de Silva, told the court on Monday that Tissanayagam had written his articles when Sri Lankan troops were engaged in a "humanitarian war". President Mahinda Rajapakse's war had nothing to do with humanitarian concerns or "liberating" the Tamil minority. Its communal character has been underscored by the continued detention of 280,000 Tamil civilians from former LTTE-held areas in heavily-guarded internment camps.

Tissanayagam's lawyer Anil Silva countered the prosecution's allegations that the journalist had attempted to cause "communal disharmony", by pointing out his involvement in campaigns on behalf of tens of thousands of Sinhala rural youth who were "disappeared" by state security forces or associated killing squads during 1988-89.

Referring to Tissanayagam's defence of the rights of his fellow workers while working in the Marga Institute, a non-government organisation, in the 1980s, Silva said: "He lost his job in the '80s when talking about labour union rights. Now he has lost his freedom when talking about Tamil rights." The lawyer later indicated that the sentence would be appealed.

Media organisations and human rights groups in Sri Lanka and internationally have expressed outrage over the conviction. On Monday, journalists and human rights organisations held a picket outside the court complex against Tissanayagam's detention and prosecution.

Deputy director of the International Press Institute, Alison Bethel, said: "This case further underscores the grave situation for press freedom in Sri Lanka." Condemning the sentence as "brutal and inhumane", the International Federation of Journalists said that the ruling made Tissanayagam only one of a handful of journalists in the world to be convicted of terrorism for the content of their journalism.

The Committee to Protect Journalists (CPJ) announced that it was giving a 2009 International Press Freedom Award to Tissanayagam "to highlight the depth of outrage at this unjust sentence". The CPJ called for his immediate release, saying the "harshness and the retroactive nature of the charges reflect vindictiveness and intolerance".

The Paris-based Reporters Without Borders (RSF) has named Tissanayagam as the first winner of the Peter Mackler Award for Courageous and Ethical Journalism. The organisation condemned his sentence as "extremely severe", saying that it "suggests that some Sri Lankan judges confuse justice with revenge".

Deputy chairperson of Northeast Secretariat on Human Rights, K. Sivapalan, an attorney from Trincomalee in eastern Sri Lanka, described the sentence as "extra-judicial". The Free Media Movement said the sentence was "shocking".

The Sri Lankan Foreign Ministry issued a statement yesterday flatly dismissing the criticisms and accusing the critics of "bringing disrepute and undermining the independence of the judiciary of Sri Lanka". It ruled out any presidential pardon for Tissanayagam "at this juncture", indicating that the Rajapakse government is determined to continue its crackdown on the media and political opposition.

Foreign Secretary Palitha Kohona personally defended the jailing during an address to the Bangkok press club yesterday, declaring he was confident there was no political interference in the case. "He was convicted by an independent court, not by a kangaroo court," he said. Kohona's intervention underscores the government's

backing for the sentence.

Tissanayagam's conviction follows a long list of attacks on journalists and media personnel under the Rajapakse government. At least seven journalists have been killed since Rajapakse resumed the war in 2006. Many more journalists have been harassed, threatened, beaten and arrested. About a dozen journalists have fled the country, fearing for their lives.

In each of these cases, the evidence points to the work of pro-government death squads operating in collusion with the military. All the assailants managed to make their getaways despite heavy security restrictions throughout the island. No one has been arrested or prosecuted.

In January, Lasantha Wickrematunge, the editor of the *Sunday Leader*, was stabbed and beaten to death by a gang of thugs as he drove to work in a Colombo suburb in heavy morning traffic. He had been a prominent critic of the government and the defence establishment over corruption at top levels. The police have not found his killers.

The draconian sentence imposed on Tissanayagam marks a new stage in the government's crackdown on the media and basic democratic rights. President Rajapakse is well aware that despite his regime's efforts to maintain a mood of triumphalism over the defeat of the LTTE, popular discontent is growing over deteriorating living conditions, job losses and attacks on democratic rights.

Following the defeat of the LTTE, Rajapakse declared an "economic war" to "build the nation". The huge costs of military spending, compounded by the impact of the global recession, have produced a deepening economic crisis that the government is seeking to offload onto working people and the poor.

The conviction of Tissanayagam is a warning to the working class that the government will not hesitate to use police-state measures against any opposition. The Socialist Equality Party (SEP) calls on workers to demand the immediate and unconditional release of Tissanayagam and the dropping of all charges against him.



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