

# Sri Lankan government moves to gag web sites

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Sri Lankan Media Minister Keheliya Rambukwella announced on July 12 that the government planned new regulations under the draconian Press Council Act to control web sites. Once the cabinet approved the amendments he would present them to parliament for approval within weeks, Rambukwella added.

The regulations would extend the coverage of the Press Council, a government tribunal that can fine and jail journalists, to web sites as well as other media outlets. This step is part of an intensifying attack on media and democratic rights, designed to strengthen the police-state apparatus developed by President Mahinda Rajapakse amid an intensifying economic and political crisis.

Rambukwella did not specify all the details of the proposed measures but said the government would charge 100,000 rupees (\$US770) to register a web site and 50,000 rupees every year to maintain the registration.

The minister said the provisions would apply the same rules to web sites as to news sources. “If any person or institution is disturbed or defamed by erroneous news reports, photographs published in any newspaper they could complain to the Sri Lanka Press Council,” he said. These rules against so-called “mudslinging” or “disturbing” anyone give enormous scope to the government to crack down on dissent.

Rambukwella claimed: “The free media is not under threat.” Yet, the announcement came just two weeks after the police raided and sealed off the offices of pro-United National Party (UNP) opposition web sites, *Sri Lanka Mirror* and *Sri Lanka X News*, and arrested nine

workers, accusing them of “conspiracy against the government.” The police also seized computers and documents.

To justify the June 29 arrests, the police cited penal code 118, which prohibits the publication of articles defamatory of the president. When the defence lawyers explained that the clause had been repealed in 2002, a magistrate ordered the release of those arrested. However, the police are now seeking to charge them under other provisions in the penal code.

The government’s Press Council (PC) has the powers of a district court. Its chairman and members are appointed by the president. It can hold an inquiry into a complaint and censure the proprietor, printer, publisher, editor or journalist of a newspaper, and also direct them to publish an apology and correction.

If a complaint amounts to defamation, a defendant can be punished with a fine of up to 5,000 rupees or two years’ imprisonment, or both. Penalties can also be imposed for publishing cabinet proceedings, “official secrets,” government financial information or defence matters. Contempt or disrespect for the authority of the PC is an offense punishable by the Supreme Court, but no legal action can be instituted against PC members.

The Press Council Act (PCA) was introduced in 1973 by the coalition government of the Sri Lanka Freedom Party (SLFP), Lanka Sama Samaja Party and the Stalinist Communist Party. The legislation was adopted after the crushing of the abortive 1971 guerrilla uprising led by the Janatha Vimukthi Peramuna, during which the military killed 15,000 rural youth.

Facing increasing opposition from the working class and rural poor against attacks on their living conditions under conditions of economic crisis internationally and in Sri Lanka, the SLFP-led coalition government invoked draconian emergency laws and imposed the PCA to muzzle the press.

Since then, governments, politicians and companies have used the PCA to witch-hunt newspapers, editors and journalists. Among them was *Kamkaru Mawtha* (Workers' Path), the newspaper of the Revolutionary Communist League—the forerunner of the Socialist Equality Party.

A right-wing United National Party-led government temporarily rendered the infamous law defunct in 2002 during negotiations with the separatist Liberation Tigers of Tamil Eelam (LTTE) to end the island's protracted civil war. However, it did not abolish the law.

The Rajapakse government that came to power in 2005 as part of its renewed communal war against the LTTE sought to intimidate and suppress the media. Under this government, 16 journalists and media workers have been killed by pro-government death squads and at least another 25 journalists subjected to physical attack. Others have fled the country, fearing for their lives.

In June 2009, just two weeks after the war ended in the military defeat of the LTTE, Rajapakse reactivated the PC to further intimidate the press.

Facing a deepening economic crisis and developing resistance by workers, poor and young people, the Rajapakse government—like other governments around the world—is fearful of popular means of communication and web sites.

The government is notorious for blocking web sites critical of it, or which expose the corruption of ruling party politicians and the use of military intelligence to attack opposition and workers' protests. Last November, without any legal basis, the media ministry requested all web sites to register with it.

In March, the Defence and Urban Development ministry imposed new restrictions on widely distributed SMS news alert services. Any news related to national security, the security forces and the police must now get prior approval by the Media Centre for National Security.

In May, Sri Lanka's Supreme Court dismissed a challenge to the closure of four web sites that had failed to register with the government. The court ruled that freedom of expression in Sri Lanka was not an absolute right and could be restricted, even without passing a law to do so.

The government's latest move has been condemned by international media organisations. "We view this move as the third stage in a crackdown on user generated content on the web, following the ban of four web sites in November last year for their failure to register with the Ministry and the police raids carried out on the office premises of two news portals in June," the International Federation of Journalists said.

This intensifying repression is an attempt to counter deepening disaffection among workers, the rural and urban poor, and youth and students. The government is imposing a series of austerity measures demanded by the International Monetary Fund (IMF) that drastically affect living standards.

This month, the IMF backed the austerity measures by approving the final instalment of a \$US2.6 billion loan, which was granted in July 2009 to avert a balance of payment crisis. The government is now seeking another \$500 million from the IMF, on terms that will inevitably mean even more severe cuts to public spending and price subsidies for essential items such as food and fuel.



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