

XIX

ARTICLE 19

16 September 2008

STATEMENT

Sri Lanka: Free Speech Indicted

ARTICLE 19 calls for Sri Lankan journalist J.S. Tissainyagam to be tried without delay, and for due process of law to be followed. J.S. Tissainyagam has been detained since 7 March 2008.

The conflict in Sri Lanka has reached new depths with the lengthy detention without trial of J.S. Tissainyagam, the first journalist indicted under the Prevention of Terrorism Act. J.S. Tissainyagam has been held by the Terrorist Investigation Department since 7 March 2008.

On 25 August, five months after his detention, the Colombo High Court finally indicted Tissainyagam. The charges include the authoring, publication and distribution of *North Eastern Monthly* between June 2006 and June 2007. According to the indictment, the North Eastern Monthly “*intends to cause the commission[ing] of acts of violence or racial or communal disharmony and brings the government into disrepute.*” The indictment also charges Tissainyagam with collecting funds for and promoting a terrorist organisation. These actions are considered as offences under the Prevention of Terrorist Act and the Emergency Regulations.

ARTICLE 19 is particularly concerned that the PTA and ER may be violating international standards on freedom of expression. According to international law any restriction on expression that a government seeks to justify on grounds of national security requires higher legal scrutiny. To uphold the serious accusation against Tissainyagam under anti-terrorism legislation, the government must prove that their actions have the genuine purpose and *demonstrable* effect of protecting national security. Moreover, they must establish that Tissainyagam’s articles and editorials posed a *serious* threat, and that the restriction imposed is the *least* restrictive means possible of protecting national security.

This is the first time since its enactment in 1979 that the Prevention of Terrorism Act has been used against the media. Using the Act in this way highlights the State’s increasing efforts to curtail media diversity and independence, and the free flow of information. By so doing, the Sri Lankan authorities are preventing the Sri Lankan public from accessing information on the conflict from a range of sources, including those critical of the government’s actions.

The imprisonment and then prosecution of J.S. Tissainyagam, along with repeated use of violence against journalists, have had a “chilling effect” on the Sri Lankan press, and resulted in increased self-censorship.

ARTICLE 19 calls on the authorities to ensure that the case moves to a fair trial without delay. J.S. Tissainyagam must also be allowed unrestricted access to his family, a lawyer of his choice, any specialist medical treatment he may require, and foreign diplomatic delegations that may request to visit him.

ARTICLE 19 also urges Embassies in Sri Lanka to monitor ALL proceedings of the trial, and to request permission to visit Tissa to confirm his status and well being. By so doing, the international community will be providing a visible sign of support to him, and to all journalists at a time of immense pressure against them.

FURTHER INFORMATION:

- For more information: please contact Oliver Charles oliver@article19.org +44 20 7278 9292
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.