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STATEMENT

Sri Lanka: Journalist Still in Detention After 250 Days

As the trial of newspaper editor and human rights activist JS Tissainayagam gets underway, ARTICLE 19 and Index on Censorship call for his immediate release after being held in detention for 250 days.

Tissainayagam was detained by the Sri Lankan Terrorist Investigation Division on 7 March 2008 for what we believe are politically motivated reasons. Prior to his detention, Tissainayagam had been working on a number of critical stories about the government's military campaign and its track record on constitutional and civilian protection, including articles on peace and justice for the German Government funded website *OutreachSL*.

He was held without charge for nearly six months but, following local and international calls for his release, the Sri Lankan authorities finally brought charges against him on 25 August based on his having authored, published and distributed the *North Eastern Monthly* between June 2006 and June 2007. Tissainayagam is the first journalist accused, under the Prevention of Terrorism Act (PTA), of bringing the government into "disrepute", creating "ethnic disharmony" and aiding and abetting "unknown persons".

Tissainayagam has not had regular access to legal representation or been permitted to meet his lawyers without the presence of the security services. The case against him rests primarily on his own confession despite evidence of torture. In 2007, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, described torture in Sri Lanka as "routine" and general Sri Lankan law stipulates that confession is not admissible without clear safeguards, due to a history of forced admissions. However, under the PTA, confessions are allowed.

The lengthy detention without charge, along with the strategy of procedural delay of court proceedings, and the precedent of using anti-terrorism legislation against a journalist are not only a gross abuse of Tissainayagam's rights, but they also create a culture of self censorship and a "chilling effect" on the Sri Lankan media generally.

ARTICLE 19 and Index on Censorship call on the Sri Lankan government to respect their commitment to international standards on free expression. The government should release Tissainayagam immediately and withdraw the politically motivated

charges. At a minimum, it should release him on bail and ensure a fair trial without delay. Tissainayagam should also be allowed unrestricted access to his family, a lawyer of his choice, any specialist medical treatment he may require, and access to foreign diplomatic delegations that may request to visit him.

ARTICLE 19 and Index on Censorship call upon all diplomatic missions in Sri Lanka to monitor the trial carefully and to request permission to visit Tissainayagam to confirm his wellbeing. In particular, we also call upon the governments of India, Japan, United Kingdom and the USA all of whom have a very close relationship with the Sri Lankan government, as well as international representatives in Brussels, Geneva and New York to convey their concern about this precedent in their communications with the Government of Sri Lanka.

FURTHER INFORMATION:

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- 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.
- Index on Censorship promotes freedom of expression through publishing, education and international arts and media projects. Our award-winning magazine and website feature original and challenging writing on free speech issues around the world.