

Sectoral Meeting of the Consultation Task Force on Reconciliation Mechanisms

Follow up submission by Groundviews.org

Sanjana Hattotuwa
Raisa Wickrematunge

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This submission, which builds on the one submitted verbally and in writing on 28 June 2016 is anchored to questions posed to *Groundviews* around the nature of violence against the media as well how the Consultation Task Force (CTF) could raise awareness around (1) the consultations process (2) the buy-in to the four mechanisms, amongst in particular the population in the South.

Attacks against the media during 2005 to January 2015 are extremely well documented by local and international media freedom organizations, that ranked Sri Lanka near the bottom around the freedom of expression, and also rated Sri Lanka as one of the most dangerous countries in the world for journalists. This information has been submitted to CTF by organizations like the Free Media Movement, and is a Google search away. *Groundviews* has since 2006 published content around the silencing of dissent and violence against the media and journalists, and the sheer scale of murder, enforced disappearances, torture, abductions and threats against media personnel call for a meaningful mechanism or unit within one of the four mechanisms proposed that is able to investigate, and hold accountable those responsible for perpetrating this violence. We underscore that the violence against journalists did not end with the end of the war in May 2009. The enduring culture of fear, state surveillance – documented on *Groundviews*, the impunity and the democratic deficit proved an insurmountable challenge for mainstream media to conduct impartial, accurate and investigative journalism. In particular, we stress that the violence was directed particularly against Tamil journalists and media workers, and that female journalists bore the brunt of violence. Mechanisms around reconciliation will have to take into account these nuanced readings of violence against the media.

Media freedom improved post January 8, 2015, when the Presidential election saw Maithripala Sirisena voted into power with his promise to instill good

governance in 2015. Restrictions on media were lifted significantly. Cabinet approval was granted for a Right to Information Bill. Several media websites, blocked under the former President, were unblocked. Investigations into some high-profile journalist murders were re-opened in a context of greater freedom for, and interest in, impartial investigations and the Rule of Law.

Legal Environment

After much lobbying from rights groups, the Right to Information Bill was approved by Parliament last week, giving the public the right to access information in the control, access or custody of a public authority. Although there remain reservations on some of its passages, particularly those pertaining to commercial interestsⁱ a broad public interest exemption had many international human rights organizations commending the Bill as an excellent example of legislature.ⁱⁱ However, the 1979 Prevention of Terrorism Act that contains extremely broad restrictions, such as a prohibition on bringing the government into contempt, continues to be in operation, although the government has pledged to replace it with new legislation reportedly drawn from the Patriot Act of the United States.ⁱⁱⁱ

The decades-old Official Secrets Act bans reporting on classified information, and those convicted of violating its provisions can be sentenced to up to 14 years in prison. Although no journalists have been charged under the law, it has been used as a threat in the past.

Journalists have also flagged gag orders issued to public officials citing Sections 6 and 7 of Chapter XL VII, Volume II of the Establishment Code, which actively discourages access to information even on public-interest grounds.^{iv}

After January 8, 2015, President Sirisena also passed the 19th Amendment to the constitution^v which places term limits on the Executive Presidency. He also nominated heads for several independent commissions as a result of the 17th Amendment to the constitution, including the Human Rights Commission, the National Police Commission, the Commission to Investigate Allegations of Bribery and Corruption. These were important not simply as checks and balances to the state but also as new sources of information to which media personnel had not previously had access.

In the latter part of 2015, the Government tabled two Bills in Parliament aimed at amending the Penal Code as well as the Code of Criminal Procedure with the aim of banning hate speech that could cause communal disharmony^{vi} following several well-documented incidents of violence by the Bodu Bala Sena (BBS), a hardline Buddhist group.^{vii} This move was met with consternation as it was discovered that the wording of the new Bill was almost identical to the draconian Prevention of Terrorism Act.^{viii} The Tamil National Alliance (TNA), which is the main opposition group in Parliament and leading civil society organizations lobbied against the introduction of the hate speech bill and made representations to the Supreme Court in order to block the passage of the Bill

noting it could be used to target minorities as had been done in the past.^{ix} Following this pushback, the Government decided to not to present the two Bills in Parliament.

Political Environment

For the first time, Elections Commissioner Mahinda Deshapriya warned State media against broadcasting election propaganda in violation of election laws on January 6, in the run up to the Presidential polls. He also sent letters to the offending institutions.^x

Media censorship, particularly web media, reduced significantly, with many news websites, blocked during the Mahinda Rajapaksa regime, being rendered accessible again. This was reflected with Sri Lanka scoring a 47 in the survey on Internet Freedom, conducted by Freedom House, compared to 58 in 2014.^{xi} The report also noted that new media has become much more expressive following the Presidential election. In general, the media landscape showed significantly less self-censorship, with more writing about the events of the war and other sensitive topics such as accountability, the national question of repairing damaged relations between the Sinhalese and Tamils as a result of the conflict, and transitional justice.

However, some journalists were still detained in the pursuit of their work – in July 2015 a photojournalist from privately run Sinhala newspaper *Lankadeepa* was detained by a group of people claiming to be former President Mahinda Rajapaksa's bodyguards at a United People's Freedom Alliance (UPFA) rally.^{xii} In some cases, the police also harassed journalists covering sensitive stories. In July again, for instance, a freelance Tamil journalist was also taken into custody after reporting on the assault of a schoolgirl by police officers at the Nellyadi police station, in the North of Sri Lanka.^{xiii}

Prime Minister Ranil Wickremesinghe also drew some criticism when he accused several Sinhala newspapers of causing communal disharmony and said he would call a meeting with media heads in order to ensure that these newspapers desisted from carrying out such activities.^{xiv} He also demanded that the public conduct 'occupy-style' protests of newspaper offices and made veiled threats against any media unit heads who did not turn up to meet him.^{xv}

There was improvement of access in 2015, especially to the North of the country. A travel restriction preventing foreign passport holders and journalists from visiting the Jaffna district without Ministry of Defense clearance was lifted.^{xvi}

The International Media Assessment Mission to Sri Lanka, a collective of INGOs and NGOs said that there was a 'considerably freer environment' with 'a drop of threats and intimidation' compared to the previous Government, but added that journalists in the North in particular still felt under surveillance and at risk.^{xvii}

Under the new President, investigations into the killings and disappearances of several prominent journalists were reopened. Significant progress was made in the case of Prageeth Eknaligoda, with 11 suspects, including Army officers, detained, and reports surfacing that Eknaligoda may have been killed and his body dumped in the sea off Trincomalee. ^{xviii} There was some progress in the case of *Sunday Leader* editor Lasantha Wickrematunge's murder, with the IGP being questioned about the disappearance of his notebook, containing the license plate numbers of his assassins. ^{xix}

However, the cases of many other journalists who were killed, tortured or attacked, particularly those located in the North and East, remain unsolved. ^{xx}

In January 2015, the Free Media Movement (FMM) submitted a list of demands to ensure a better media landscape to the then Presidential candidate Maithripala Sirisena. Much of these have been met, but there are still gaps to be addressed. ^{xxi} In particular, the de-politicization of state controlled print and electronic media, to be replaced with public service media, is yet to occur. Media groups also slammed President Sirisena's decision to bring back the Government controlled Press Council as a regulator under the Press Council Act of 1973, ^{xxii} calling instead for a strengthening of the Press Complaints Commission of Sri Lanka, which promotes self-regulation in the independent print and online news media based on a code of professional practice. ^{xxiii}

Managing Public Perceptions and Raising Public Awareness

- Although ads in mainstream media may reach a large audience, they are expensive and may not inspire trust in the general public. (See <http://digiday.com/agencies/traditional-advertising-dying-thats-just-fine/> even in advertising, people are turning to social media to drive awareness. As mentioned in *Groundviews'* submission, it is essential that the CTF harness the full power of social media, which is no longer limited to geographic pockets or demographic elites. Third party endorsements are more powerful than statements directly from the task force.

- **Tools to Encourage Submissions/Outreach**

1. CTF acting as a conduit – connecting those who do come forward to make submissions with journalists and editors, and allowing them to generate their own stories. Reading these accounts may encourage others to come forward and make submissions.

This however will create risk if journalists and editors are not properly briefed on the mandate of the CTF, and the benefits of having, for example, a truth and reconciliation commission and an office for reparations. In order for this approach to work, journalists must be properly briefed before meeting those who testify, through

1. **Detailed background documents** (trilingual) explaining the CTF, its mandate and the advantages of the TJ mechanisms it is using (e.g. Truth and Reconciliation Commission/Office for reparations).
2. **Media round tables** with the journalists/editors chosen to explain the documents and answer queries, before providing access to those giving testimony. These should be smaller than a press conference, and allow back and forth between journalists and CTF members, to clarify issues. Important also that journalists have a contact they can call for a quote – will ensure that at least CTF’s quotes will always be used in anything reconciliation related/halt misconceptions

These two tools can and should be used separately to sensitize media in general as well, before rolling out the different mechanisms under the CTF mandate

2. Tele-drama insertions – CPA’s Media Perception survey showed that TV is the most trusted medium in the Western Province, and this is underscored by the Colombo University study across the whole of Sri Lanka done in 2015, and quoted in our 28 June submission. Working in tandem with scriptwriters of popular teledramas/negotiating with a TV network, insert lines in relevant teledramas watched by the target demographic you want to reach. This is more cost effective than commissioning an entire show, but will require some negotiation/contacts with TV media
3. Twitter Q and As hosted by CTF, with panelists, such as those held by Hashtag Generation (https://twitter.com/generation_sl)(panelists should have significant social media following + knowledge on TJ issues)
4. Street theatre groups/kolam groups (perhaps contact organizers of Galle Music Festival for the latter)
5. Puppet shows (e.g. by Sulochana Dissanayake - <http://www.powerofplay.lk/about-us.php>)
6. Leverage the high visibility of street theatre, plus groups like *Janakaraliya*. Use theatre as a means through which to engage the public and communicate core tenets of the four mechanisms.
7. CTF itself should be innovative in the ways they document/showcase communication. Use visual tools such as Shorthand Social (www.shorthand.com/social) and Adobe Spark (www.spark.adobe.com). Upload short recordings on local podcasting platforms like Katha, SoundCloud. Short videos for YouTube. At first glance these may only appeal to an urban crowd but they generate interest and may interest mainstream media into speaking to, and featuring, CTF’s work. (These could also be included in backgrounder packs that sent out to media, for instance)

8. Use memes, short form video, podcasts, jingles on the radio, tickers on State and private television, cartoons (mirroring the work of the award winning Zapiro during South Africa's transitional period) to raise awareness of the CTF's mandate and in the future, communicate core tenets of the four mechanisms proposed.
9. Create one-page briefing note for all MPs on CTF/the four mechanisms, and distribute using existing CSO / NGO networks.
10. Create short ads that play before films start in cinema halls
11. Strategic use of opt-in SMS, with the help of telcos, to promote awareness
12. In addition to above, study the social media landscape and create content that matches the idiom used, the expression favored by key demographic groups and the channels they most frequent (e.g. viral videos over WhatsApp, or Facebook video, or *vox pops* featuring popular artistes around reconciliation).
13. Op-eds and feature articles around CTF/the four mechanisms, appearing on TV talk shows, radio programmes. Broadcast media (radio, TV), online as well as public meetings can use technologies like Emojot (detailed in our submission on 28th June) to create interactive conversation feedback loops, thereby responding to audience anxieties, ideas and fears in real time.
14. Strategic advertising spending on Facebook, marrying specific messages to specific demographic groups and regions.
15. Gamification of public engagement, by creating simple, engaging and socially (or financially) rewarding games that are anchored to the four mechanisms that can either through peer recognition or rewards based on real world coupons and discounts (in partnership with private sector), promote engagement with the frameworks around the four mechanisms. See <http://www.usip.org/node/5229>
16. Pair with key government line ministries and departments, as well as the Private Bus Owners Association and the Three Wheel Drivers Association in order to raise awareness by sticker campaigns, leaflet distribution or kiosks at bus and train stations, imprinting QR codes or URLs on tickets for people to visit while commuting, giving topline information on the four mechanisms.

Other Points

- Given that certain sections of media (particularly in the vernacular) may oppose CTF's work, there is a need for a dedicated media spokesperson who is fully sensitized to the media and their demands – should

appreciate their deadlines while also ensuring that there are no off the cuff remarks made which could get misquoted. This will also give media and civic media a contact point for clarification/comments.

- This dedicated spokesperson needs to be sufficiently empowered using the framework we have enumerated in our submission on 28th June.

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