

## War and Media: Failings and Performance in Sri Lanka

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### Abstract

Sri Lanka until recently has been one of the most dangerous countries in the world for journalists. Prior to the final stages of the war in 2009, the then Government of Sri Lanka (GoSL) carried out a “shooting the messenger” operation with the intention of conducting a “war without witness”. In this process, the GoSL labelled, threatened, abducted, tortured and killed journalists and media workers who deviated from government lines.

Amid challenges, Tamil journalists continued their reporting of human rights violations in the island. At one stage, the volatile atmosphere on the ground compelled them to adopt human rights based journalism. In parallel, the GoSL also targeted progressive Sinhala journalists who voiced for press freedom and against human rights violations. Many were forced to leave the country and live in exile, yet continuing their journalistic roles and responsibilities.

Since April 2004, 44 journalists and media workers have been either killed or disappeared in Sri Lanka. Among them are 37 Tamils, 5 Sinhalese and 2 Muslims. The armed conflict in the island came to a brutal end in May 2009. However, the ethnic conflict still continues, and Tamil and progressive Sinhala media workers persist with their journalism to advance the human rights situation in the island and end the culture of impunity, while also seeking justice for war affected victims and survivors and working towards achieving accountability for mass atrocities.

However, this task still continues to be highly risky and riddled with challenges and obstacles. This paper focuses on the roles and responsibilities of the media in relation to war and human rights, as well as justice and accountability in Sri Lanka.

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### Introduction

Finding itself at crossroads again today, Sri Lanka was considered one of the most dangerous countries in the world for journalists. Between May 2004 and January 2010, 44 journalists and media workers have been either killed or disappeared in Sri Lanka. Among them are 37 Tamils, 5 Sinhalese and 2 Muslims [Journalists for Democracy in Sri Lanka n.d., ‘Introduction’].

Prior to the final stages of the war in 2009, the then Government of Sri Lanka (GoSL) carried out a “shooting the messenger” operation with the intention of conducting a “war without witness”. In this process, the GoSL labelled, threatened, abducted, tortured and killed journalists and media workers who deviated from government lines. It also banned international media from accessing the conflict zone there by preventing any independent reporting of the humanitarian catastrophe that unfolded on the ground.

In parallel, the GoSL also targeted progressive Sinhala journalists who voiced for press freedom and against human rights violations. Many were forced to leave the country and live in exile, yet continuing their journalistic roles and responsibilities.

The armed conflict in the island came to a brutal end in May 2009. However, the ethnic conflict still continues, and Tamil and progressive Sinhala media workers persist with their journalism to advance the human rights situation in the island and end the culture of impunity, while also seeking justice for war affected victims and survivors and working towards achieving accountability for mass atrocities.

This task still continues to be highly risky and riddled with challenges and obstacles. This paper focuses on the roles and responsibilities of the media in relation to war and human rights, as well as justice and accountability in Sri Lanka

### **The Armed Conflict and the Media in Sri Lanka**

The armed conflict in Sri Lanka, which lasted for over three decades, stemmed from a protracted ethno-

political conflict between the ethnic Sinhalese and the ethnic Tamils, and escalated into a brutal military offensive. The ethnic polarisation was felt in the media too with Colombo-based mainstream media in Sinhala and English holding a common ground, often towing the line of the GoSL and differing from that of the Tamil media in Sri Lanka and Tamil diaspora media. The Colombo-based mainstream media continued to replicate the GoSL's version of the military offensive as being a 'humanitarian war' to 'liberate' the people from the 'grip of terror', and often referred to the Sri Lankan Armed Forces (SLAF) as 'our' armed forces. Such a nationalist bias was such that '[m]any newspapers perceive[d] ethnicity as immutable and innate... [and a]... segment of the media in Sri Lanka often exacerbate[d] existing communal and ethnic tensions by playing on the nationalist and religious emotions of the people.' [Deshapriya & Hattotuwa 2003]

In consequence, this mainstream media position added further pressure on Tamil journalists and progressive Sinhala journalists reporting on human rights violations and mass atrocities. These journalists found taking a stance critical of the GoSL on its conduct towards the Tamil population, whether it be before, during or after the war, held more of a risk than being critical of the GoSL on other matters ['Silencing the Press' 2013].

Though the armed conflict in Sri Lanka came to an end in May 2009, this polarisation of media remains and in part contributes to the current stifling environment for an opportunity of a political solution to the ethnic conflict.

### **Labeling and discrediting of journalists**

Sophisticated propaganda techniques are often an integrated part of warfare [Höijer, Nohrstedt & Ottosen 2002, pg. 4] and the 'media [was] constantly called upon to take the government's side in its fight against "terrorism"' [Deshapriya 2007]. Journalists who covered human rights or military issues faced regular intimidation and pressure from government officials [Freedom House 2009] and those who did not accept government propaganda or resisted intimidation and bullying were discredited ['Sri Lanka's Army Commander Denounces Journalists' 2008]. As part of its war strategy the GoSL targeted those who practiced human rights based (HRB) journalism and in the name of eradicating terrorism it labelled journalists who deviated from its line as

'traitors' and accused them of 'promoting terrorism' [ARTICLE 19 2007].

Following the Cease Fire Agreement (CFA) signed in February 2002 between the GoSL and Liberation Tigers of Tamil Eelam (LTTE), a low intensity war broke out towards the end of 2005 and began to escalate in intensity. As a humanitarian tragedy unfolded in the Tamil-dominated regions, Tamil journalists and progressive Sinhala journalists were inclined to adopt HRB journalism.

In June 2007, the then defence secretary, Gothabaya Rajapaksa, stated that in a war against terrorists '[a]nything is fair' ['Return to War' 2007]. Six months earlier, his brother and the then president, Mahinda Rajapaksa [2006], called on the nation to decide whether to 'be with a handful of terrorists or with the common man who is in the majority' and asked them to 'clearly choose between these two sides'.

In January 2008 the then commander of the Sri Lankan Army and a powerful minister in the current coalition government, Field Marshal Sarath Fonseka, said the 'treachery' of the media was the only barrier hampering the army's defeat of the LTTE ['Sri Lanka's Army Commander Denounces Journalists as Traitors' 2008].

The GoSL re-introduced the Emergency Regulations (Prevention and Prohibition of Terrorism and Specified Terrorist Activities), which it used to arrest and detain journalists, sometimes for months without charge [Freedom House 2009]. These regulations used as a tool to contain the HRB journalism deterred many independent journalists from being critical of the GoSL's conduct of the war, and self-censorship surfaced [The International Mission 2006] in addition to the already existing censorship imposed by the GoSL. The GoSL dismissed human rights groups and journalists as the disseminators of 'LTTE propaganda' and used counterterror legislation against journalists who exposed human rights abuses ['Return to War' 2007].

A senior Tamil journalist, J S Tissainayagam, criticised the conduct of the war and highlighted the persecution of the Tamils in his articles. He questioned how food and medicine was being used by Sri Lankan armed forces as a weapon of war against Tamil civilians under the guise of the government's 'humanitarian operation'. Labelled a 'terrorist' and accused of attempting to create disharmony among

ethnic communities, Tissainayagam was arrested in March 2008, detained without charge for nearly six months and forced to sign a confession document, which was later used to find him guilty by the High Court of Sri Lanka on 31 August 2009. He received a twenty-year prison sentence with hard labour [Article 19 and Kurukulasuriya 2012]. Tissainayagam was the first journalist indicted under the Prevention of Terrorism Act (PTA) in Sri Lanka. After extensive pressure from the international community he was released on bail in January 2010 and is currently living in exile. He continues his writings on justice and accountability issues in Sri Lanka.

Official rhetoric continued to become hostile towards those perceived to be ‘unpatriotic’ or critical, and ‘top officials, including Defence Secretary Gothabaya Rajapaksa and army commander Sarath Fonseka, regularly [made] statements that equate[d] any form of criticism with treason’ [Freedom House 2009]. Chevan Daniel, the news editor of Sri Lankan TV station MTV, which had been attacked, had in an interview with CNN criticised the authorities. The then defence secretary, Gothabaya Rajapaksa, branded Daniel a ‘terrorist’ discrediting his comments to the international media outlet. Rajapaksa also labelled a female Tamil journalist working for a Sinhala weekly newspaper, Mawbima, as a ‘suicide cadre of the LTTE’. Two years earlier this same journalist was arrested by the police’s Special Task Force and detained for nearly three months under anti-terrorism provisions before being released without charge [Wickremasinghe 2009].

As a consequence, some journalists were forced to go into hiding; some isolated themselves from their families leading to deterioration in their psychological well-being; some continued with their profession on a much lower profile; and some abandoned it altogether. While some journalists moved to Colombo to be sheltered in ‘safe houses’ organised by NGOs, progressive Sinhala journalists or human rights activists, some felt threatened enough to flee into exile.

### **Banning of media access to the conflict zone**

In preparation to intensify its military offensive on the Tamil dominated areas, it is reasonable to argue that the GoSL was well aware of the human cost involved. In accordance, it initiated a strategy of suppressing the free flow of independent news from the conflict areas to hide evidence of the disturbingly high civilian casualty and other breaches of international

humanitarian and human rights law. In June 2007 it banned TamilNet, a popular news website, from being accessed through Sri Lankan internet provider services [‘Popular Tamil website “blocked”’ 2007]. The Free Media Movement warned that this was the first instance of what it ‘believes may soon be a slippery slope of web and Internet censorship in Sri Lanka’ and was ‘a significant turn in the erosion of media freedom in Sri Lanka and clearly demonstrate[d] the extent to which media [was] censored and the free flow of information curtailed, without any accountability, transparency or judicial oversight’ [‘Popular Tamil website “blocked”’ 2007]. Two years earlier, in April 2005 TamilNet’s editor, Dharmaratnam Sivaram, was abducted and assassinated in Colombo.

Beyond the proactive offensive against Tamil news sources, the GoSL also restricted independent international journalists from entering and reporting from the war zone. Tamil journalists who chose to remain in the war zone found themselves cut off from the rest of the world, and were forced to create alternate channels to disseminate information to their exiled colleagues and those in the Tamil diaspora. Reporting from LTTE controlled areas they were not affected by the GoSL’s censorship. A wartime correspondent [Karththikesu 2017, personal communication, 4 October] pointed out that ‘reports on the cluster bombs and chemical weapon attacks against Tamil civilians received no coverage in Sri Lankan media due to censorship and intimidation, but were published extensively in Tamil diaspora media. It also received a small amount of coverage in the international media, albeit not as widely as the coverage of other similar attacks such as in [the 2011-present day civil war in] Syria, for example’ [Suren 2017, personal communication, 3 October].

The author himself engaged with a German-based international correspondent who in January 2009 following a face-to-face discussion in Stuttgart, Germany was prepared to abandon his Iraq mission to go to Sri Lanka instead, but found he had no access to the war zone as the GoSL had banned entry for all independent international media. With the exception of Sri Lankan state-guided missions to areas of the war zone under GoSL control, which did not allow for independent reporting, there remained a lack of free access to these areas. This media gagging continued for years after the war.

Through the banning of independent international media the GoSL tried to avert ‘information intervention’ [Thompson & Price 2003, pg. 185-6] in an attempt to thwart pressure from the international community or evade future international action. Uvindu Kurukulasuriya is an exiled journalist and the editor of the Colombo Telegraph. He established the website after he came into exile, and stated that ‘the government won the battle by effectively shutting out access and allowing only selected media to join guided tours. It won simply by not allowing anyone to go to the conflict area. By refusing or delaying visas for foreign journalists. By indirect censorship. By creating a climate of fear among journalists’ [Kurukulasuriya 2009].

#### **Targeting of Tamil journalists and media workers**

An increasing number of journalists, particularly from the conflict zone in the North and East were killed, kidnapped, arrested, assaulted and threatened [‘Professionalism, Peace Reporting and Journalists’ 2008, pg. 5]. A fact-finding and advocacy mission to Sri Lanka undertaken by the International Press Freedom and Freedom of Expression Mission found that ‘the Tamil language media [had] come under heavy and sustained attack, especially in areas affected by the fighting’ [The International Mission 2006]. Tamil journalists especially in the North and East were frequently subjected to intimidation and harassment by the armed forces and armed groups and incidents occurred where the Sri Lankan Army summoned editors of newspapers in Jaffna and warned them against publishing news critical of the military [‘Return to War’ 2007]. In addition to the assassination of local Tamil journalists, the SLAF also bombed a media station in the LTTE controlled territories, destroying it and killing staff [‘Director-General condemns’ 2007].

Tamil journalists within the war zone continued to report on human rights violations and mass atrocities, which took place primarily in the Tamil-dominated North-East, and disseminate information to their colleagues outside.

While human rights was almost always seen as a dimension of foreign policy for Western media [International Council on Human Rights Policy 2002 cited in Balabanova 2015, pg. 6], for the Tamil journalists practising HRB journalism, it was synonymous to a responsibility they had to their people [Suren 2017, personal communication, 3 October].

Journalists who chose to remain in the war zone continued reporting on the war and casualties until the final days of the armed conflict. Those who survived the war were not always lucky. Identified by the GoSL some were killed, tortured or disappeared. Of those who managed to escape from military surveillance some went into exile.

To date, there still exists no clear understanding as to what happened to the considerable number of Tamil journalists who courageously remained in the war zone until the last days of the war, risking their lives and in some cases sacrificing it in their pursuit to tell the truth to the world. Attributing the mounting evidence of war crimes to these fallen journalists a veteran Tamil journalist and former senior producer of the BBC Tamil Service, Anandhi Suriyapragrasam, said, ‘Many journalists are not with us today as they were either silenced or killed in the war zone, but it was their fearless reporting and foresight to collect evidence that played a crucial role in proving the genocide that took place during the final stages of the armed conflict in Sri Lanka.’ [2017, personal communication, 21 May]

#### **Abductions, assassinations, deaths and disappearances**

There was also a drastic increase in the numbers of abductions, murders and disappearances of journalists and media personnel critical of the government and its armed forces. Targets were predominantly Tamil media [‘State of the Media’ 2007], but in 2009 a prominent Sinhala journalist and editor of the Sunday Leader, Lasantha Wickrematunge, was assassinated in broad daylight in the capital by ‘unknown gunmen’. His death sent shock waves amongst the journalist communities on the island and in exile. In an editorial written before his death, Wickrematunge [2007] wrote, ‘A military occupation of the country’s north and east will require the Tamil people of those regions to live eternally as second-class citizens, deprived of all self-respect.’ Remarkably, he also wrote, ‘When finally I am killed, it will be the government that kills me... I hope my assassination will be seen not as a defeat of freedom but an inspiration for those who survive to step up their efforts.’ The assassination of Wickrematunge, a renowned journalist who was also known to be close to the president, politicians and diplomats, made no journalist safe.

On numerous occasions attacks were reported to have been executed by ‘unidentified men’ which was often seen to be *synonymous for ‘government is responsible’* [Amirthanayagam 2017, personal communication, 19 September].

As impunity reigned, the government adamantly denied responsibility for disappearances [‘Return to War’ 2007] and showed neither genuine commitment nor political will to deal with these atrocities [ARTICLE 19 2007].

### **Post-war media suppression**

HRB journalism faced further impediments in the post-war period, particularly on justice and accountability matters relating to the final phase of the armed conflict. ‘[T]he war [was] over but the war against the media [was] not,’ [Handunnetti and Nirmala 2009], and the GoSL continued its strategies to suppress the truth.

While news emerged of the government’s active obstruction of reporting during the final stages of the armed conflict, it continued to deny media unrestricted access to the displaced thousands living in camps, thereby preventing reporting on their war experiences and on the conditions within the camps. Foreign correspondents whose reporting offended the government were denied visas or deported [‘Sri Lanka: attacks on free media’ 2009].

In 2010, senior journalist, cartoonist and political analyst Prageeth Eknaligoda who was working on an article on the use of thermobaric weapons and cluster bombs by the Sri Lankan military in the war, was disappeared [Abeywickrema 2015]. It is noteworthy that a white van with no number plate was seen driving around Prageeth’s house around the time of his disappearance [McDonald 2010]. A UN report found that in its attempt to intimidate and silence the media and critics, the government had used white vans to abduct and make people disappear [Report of the Secretary-General’s Panel of Experts 2011, pg. ii]. Eight years since his disappearance, no effective investigation has been conducted by Sri Lankan authorities.

Following the UN Human Rights Council March 2012 resolution, ‘Promoting reconciliation and accountability in Sri Lanka’, which called for an investigation into deaths of the civilians, Sri Lanka’s state-controlled media described journalists from Sri Lanka and in exile who had participated in the sessions as ‘traitors’ and accused them of ‘betraying

the motherland’ [Greenslade 2012]. The threats were so severe that journalists and activists on the ground feared to contact exiled journalists, whether it be publicly or for private family matters.

To date, no consolidated efforts have been seen to take place by the GoSL to bring perpetrators to justice and end the culture of impunity. This is despite a change in the regime to one that was widely portrayed internally and externally as a government for ‘good governance’ and ‘democracy’.

Instead, the GoSL began to actively target journalists in exile who persisted with their HRB journalism. In December 2016, Sri Lanka’s justice minister threatened Lankanews web editor and exiled journalist Sandaruwan Senadheera with Interpol action. Days later, a Sri Lankan court issued an international arrest warrant against Senadheera [Vithanage 2016].

While the GoSL began to target those in exile critical of the government, its first and primary target was an organisation called Journalists for Democracy in Sri Lanka (JDS), one that had been working consistently and effectively on accountability and justice issues on Sri Lanka and had played a crucial role in increasing international pressure on Sri Lanka.

### **Resisting Suppression and Fighting for Justice through Human Rights Based Journalism**

Despite Sri Lanka’s continued efforts to suppress the media, a small number of thoughtful and committed journalists and media workers still continue to resist. A stalwart is JDS. Formed in July 2009, JDS is an exiled journalist’s network and action group comprising of journalists, writers and human rights defenders who had fled persecution in the island, the first of its kind. JDS has played a crucial role in exposing war crimes and crimes against humanity committed by the SLAF.

While the majority of Sinhalese praised the SLAF and the GoSL, and celebrated the outcome of the war, progressive Sinhala journalists within JDS chose to step forward and reveal evidence of mass atrocities committed by the SLAF during the final stages of the war. It revealed the very first visual evidence of such crimes, a crucial 78-second video footage, in August 2009 via Britain’s Channel 4, which hurled the reputation of Sri Lanka into chaos, forcing international media attention onto Sri Lanka’s now undeniable mass atrocities and compelling foreign policy decision changes of many countries.

This clip and many more to follow from JDS formed the backbone of three documentaries by Channel 4 and its producer, Callum Macrae: 'Sri Lanka's Killing Fields' (June 2011), 'Sri Lanka's Killing Fields: War Crimes Unpunished' (March 2012) and 'No Fire Zone: In the Killing Fields of Sri Lanka' (March 2013). Screened worldwide, including at parliaments and the UN Human Rights Council, the footage in these documentaries played a crucial role in strengthening the call for international independent investigations in war crimes in Sri Lanka.

Sri Lanka responded by appointing Major General Jagath Dias, a commanding officer of the Sri Lankan Army during the final war, to the Sri Lankan Embassy in Berlin, Germany as the Deputy Chief of Mission for Germany, Switzerland and Vatican, who was tasked with investigating JDS ['Sri Lanka Major General Jagath Dias: Dossier' 2017]. Ironically, following JDS's investigative and HRB journalism which revealed Dias's involvement in war crimes in the final stages of the war, Dias was recalled to Sri Lanka ['Sri Lanka recalls diplomat' 2011]. Though his diplomatic immunity prevented him from being prosecuted, western countries have since denied granting him visas ['Sri Lanka: New Army Chief' 2015].

In February 2013 JDS releases of photographs of Balachandran Prabhakaran, the youngest child of LTTE leader Velupillai Prabhakaran, which provided proof that the child was alive and well when taken into Sri Lankan army custody, and was later shot dead. In November 2016 at the United Nations Committee for Torture (UNCAT) meeting, JDS's contributed to efforts which led to the UNCAT top officials questioning Sisira Mendis, Chief of Criminal Investigation Department (CID) and Terrorist Investigation Division (TID) as he represented GoSL's official delegation, and brought attention Sri Lanka's prevailing impunity.

### **Conclusion**

In the lead up to and during its final military onslaught, the Sri Lankan government incrementally increased its persecution of journalists practicing HRB journalism. It paid special attention to curb reporting on human rights violations conducted by the SLAF, and sought to silence and suppress Tamil and progressive Sinhala journalists and media workers through stern warnings, harassment, threats, censorship, labelling and discrediting, abductions, enforced disappearances, detentions, torture and

killings. It banned access of international media to the conflict zone, and targeted Tamil media in the North-East, including within the conflict zone, in order to stop any critical reporting of the execution of the war by the government forces.

As a culture of impunity prevailed, the persecution of media not only resulted in the death and disappearance of journalists practising HRB, but also the exodus of many out of the island and into exile. In the post-war environment, as the GoSL changed its focus to wage a war on exiled journalists, their families living in Sri Lanka were harassed. Alleged Sri Lankan war criminals were sent on diplomatic posts to embassies abroad and used their positions to monitor and pursue exiled journalists.

Despite these challenges, some persisted with their HRB reporting determined to obstruct the GoSL's attempts to conduct a 'war without witness'. Following the war, JDS, a group of exiled journalists, played a crucial role in revealing the evidences of war crimes and crimes against humanity committed by the SLAF. They instigated a process towards accountability and justice in Sri Lanka. In doing so they reset the international media's engagement on Sri Lanka and influenced foreign policy decisions of other countries with regards to Sri Lanka.

This historical breakthrough has set a precedent for communities around the globe struggling for justice in their homelands, and elevated the role of exiled journalists practising HRB journalism from being solely reporters of information to being human rights defenders.

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