

Sri Lanka

	2013	2014		
Internet Freedom Status	Partly Free	Partly Free	Population:	20.5 million
Obstacles to Access (0-25)	15	15	Internet Penetration 2013:	22 percent
Limits on Content (0-35)	20	20	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	23	23	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	58	58	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Not Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- In March 2014, the information ministry formed a committee to regulate social media, shortly after President Rajapaksa dubbed them a “disease;” the scope of its activities remains unclear (see **Limits on Content**).
- The *Colombo Telegraph* website was repeatedly inaccessible, continuing a trend of pressure on online news outlets (see **Limits on Content**).
- Incidents of violence and harassment against internet users declined, though traditional journalists met with increased intimidation (see **Violations of User Rights**).

Introduction

International and local journalists met with increased harassment in Sri Lanka in the past year, a trend reflected online when the website of the outspoken *Colombo Telegraph* newspaper was apparently censored, though the government denied responsibility. Top leaders made ominous statements about social networks threatening national security, suggesting that their policy of regulating and punishing online dissent remains unchanged. However, rights violations targeting internet users—whether attacks, prosecutions or cyber-harassment—declined during the coverage period in comparison with previous reports.

Since coming into power in 2005, the ruling United People's Freedom Alliance (UPFA) has pursued an ambitious ICT policy to improve internet access and digital literacy.¹ However, civil conflict with the Liberation Tigers of Tamil Eelam (LTTE)—which ended in 2009—hindered investment in the information and communication technology (ICT) sector and expansion of the internet across the country. In January 2007, the government made its first attempt to clamp down on internet freedom in response to reportage on the military campaign against the LTTE and civilian casualties.²

Content restrictions targeting criticism of the government, including Tamil-language websites, continue. Independent-minded online journalists have also met with violence and extralegal intimidation. In 2014, at least one journalist had been missing since 2010, when colleagues believe he was abducted by government agents. In the context of this repressive record, local and international rights groups criticized the choice of the capital, Colombo, as the location for the Commonwealth Heads of Government meeting in November 2013.³

Obstacles to Access

Nearly 22 percent of the population had internet access in 2013, as a continually expanding economic sector and growing youth population drove demand for online services.⁴ Government expenditure and private investment in ICTs have resulted in several projects to develop an island-wide telecommunications infrastructure.⁵ In 2011, the Telecommunications Regulatory Commission (TRC) announced plans to establish Wi-Fi in schools, government buildings, and public transport areas.⁶

1 Information Communication Technology Agency, "Programmes," accessed July 2013, <http://www.icta.lk/en/programmes.html>.

2 "Tamilnet Blocked in Sri Lanka", BBC Sinhala, June 20, 2007, http://www.bbc.co.uk/sinhala/news/story/2007/06/070620_tamilnet.shtml.

3 "Letter to the Commonwealth Heads of Government on CHOGM meeting in Sri Lanka," HRW, September 12, 2013, <http://www.hrw.org/news/2013/09/12/letter-commonwealth-heads-government-chogm-meeting-sri-lanka>; "CHOGM leaders should urge media freedom in Sri Lanka," CPJ, November 5, 2013, <http://cpj.org/2013/11/chogm-leaders-should-urge-media-freedom-in-sri-lan.php>

4 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>. Government institutions like the Information and Communication Technology Agency of Sri Lanka (ICTA) report roughly twenty percent penetration. Rohan Samarajiva, "20% of Sri Lankans use Internet; Data from mobile devices 2000 terabytes/month," *LirneAsia*, June 20, 2013, <http://lirneasia.net/2013/06/20-of-sri-lankans-use-internet-data-from-mobile-devices-2000-terabytesmonth/>

5 Ministry of Finance and Planning, "Annual Report 2010," 89, <http://www.treasury.gov.lk/reports/annualreport/AnnualReport2010-eng.pdf>; "Sri Lanka Dialog to Invest US\$150mn in Expansion," *Lanka Business Online*, February 11, 2011, <http://www.lankabusinessonline.com/fullstory.php?nid=754125283>.

6 Damith Wickremasekara, "Lanka to Get Wi-Fi Zones," *The Sunday Times* (Colombo), July 31, 2011, http://sundaytimes.lk/110731/News/nws_14.html.

As of mid-2014, some private firms report operating over 2,000 Wi-Fi hotspots around the country, suggesting coverage has increased considerably over the last two years.⁷

Internet connectivity became more affordable over the same period with the cheapest broadband connections priced at just under US\$5 a month. Internet service providers (ISPs) lowered monthly rates in 2011.⁸ In January 2013, telecom operators welcomed a move by the TRC to reduce a tax on broadband internet access by 50 percent.⁹

The majority state-owned ISP Sri Lanka Telecom (SLT) commands more than 50 percent of the market and has the largest fiber-optic national backbone.¹⁰ While the broadband market is competitive, there is no legal requirement for SLT to sell backbone access to its competitors. The second largest player, Dialog Axiata, allows wholesale access to its backbone network.¹¹

Increasingly affordable handsets and data packages have boosted mobile internet use, particularly among young people.¹² Monthly subscriptions can run as low as \$3 a month. Sri Lanka's mobile penetration was nearly 99 percent as of September 2013.¹³ With over 7.5 million subscribers,¹⁴ Dialog Axiata is the largest mobile service provider, followed by Mobitel (5 million), Etisalat (4.5 million),¹⁵ and Airtel-Bharti Lanka and Hutchison Telecommunications (1 million each).¹⁶ So far, only Dialog Axiata, Mobitel, and Sri Lanka Telecom offer 4G LTE broadband services.^{17,18}

Low digital literacy represents a major barrier to ICT use. Although Sri Lanka's literacy rate is approximately 91 percent,¹⁹ only 20 percent of the population was comfortable using computers in 2009, the last available survey.²⁰ Digital literacy is lower in rural areas where the high cost of personal computers limits access for lower-income families, schools with digital facilities lack corresponding literacy programs, and software is often incompatible with the Sinhala and Tamil languages. The ICTA

7 "Wi-Fi Hotspots in Sri Lanka", Dialog, <http://www.dialog.lk/personal/broadband/wi-fi/>

8 Rohan Samarajiva, "Sri Lanka: Leased Line Prices to be Lowered to Encourage BPO Business and Internet Use," *Line Asia*, March 9, 2011, <http://bit.ly/hlSXBj>.

9 Rukshana Rizwie, "Telcos Upbeat Over Levy Reduction," *The Nation*, January 6, 2013, <http://www.nation.lk/edition/biz-news/item/14305-telcos-upbeat-over-levy-reduction.html>.

10 Helani Galpaya, *Broadband in Sri Lanka: Glass Half Full or Half Empty?* (Washington, D.C.: infuse/The World Bank, 2001), <http://www.broadband-toolkit.org/>.

11 Galpaya, *Broadband in Sri Lanka*.

12 Bandula Sirmanna, "Smart phones catch the eye of Sri Lankan Youth", *The Sunday Times*, October 20th, 2013, <http://www.sundaytimes.lk/131020/business-times/smart-phones-catch-the-eye-of-sri-lankan-youth-65948.html>

13 "Mobile growth boost Sri Lanka's telecoms market", *Telecom Asia*, July 23rd, 2013, <http://www.telecomasia.net/content/mobile-growth-boost-sri-lankas-telecoms-market>

14 "UNICEF Partners Dialog on Child Abuse Concerns", *The Sunday Times*, October 7, 2012, <http://bit.ly/19cpm4o>.

15 "Bharti Airtel in talks to sell Sri Lankan operations to Etisalat, Indian newspaper says", *The Sunday Times*, August 25th, 2013, <http://www.sundaytimes.lk/130825/business-times/bharti-airtel-in-talks-to-sell-sri-lankan-operations-to-etisalat-indian-newspaper-says-58597.html>

16 "Sri Lanka Telecommunications Report Q3 2012", *Business Monitor International*, May 29th, 2012, <http://www.marketresearch.com/Business-Monitor-International-v304/Sri-Lanka-Telecommunications-Q3-7026578/>

17 "Dialog launches first mobile 4G-LTE service in Colombo," *The Nation*, April 7, 2013, <http://www.nation.lk/edition/biz-news/item/17064-dialog-launches-first-mobile-4g-lte-service-in-colombo.html>; "Sri Lanka Mobitel Launches 4G-LTE."

18 Duruthu Edirimuni Chandrasekera, "Etisalat to Head Start on 4G," *The Sunday Times*, February 10, 2013, <http://www.sundaytimes.lk/130210/business-times/etisalat-to-head-start-on-4g-31822.html>.

19 UNICEF, "Sri Lanka Statistics," accessed July 2013, http://www.unicef.org/infobycountry/sri_lanka_statistics.html.

20 Department of Census and Statistics, "Computer Literacy Survey – 2009," http://www.statistics.gov.lk/CLS/BuletinComputerLiteracy_2009.pdf.

has sought to address this imbalance as part of an e-Sri Lanka project by establishing rural community centers to promote ICT access and services.²¹ Some local journalists criticized aspects of the development, saying high-value contracts were awarded based on cronyism, while some facilities complained of faulty equipment.²²

There were no large-scale connectivity interruptions during the coverage period of this report, although they have occurred in the past. SLT temporarily severed internet and 8,000 mobile phone connections in the predominantly Tamil-speaking north and east in 2007, then center of the conflict with the LTTE, and still a militarized zone.²³ The war also caused severe lags in infrastructure development for the northern and eastern provinces. Since its conclusion, the government has made up some of this ground, thereby boosting the regions' economic growth. The process of development, however, has been criticized for causing issues with respect to land ownership that threaten to further marginalize the local Tamil community.²⁴ More positively, preliminary census data published in December 2013 identified heavy internet usage in postwar minority districts in 2011 and 2012, citing Vavuniya in the Northern Province as the district with the country's highest household internet usage.²⁵

As a national regulatory body, the TRC's actions lack transparency and independence.²⁶ Under a constitutional amendment ratified in 2011—which also removed presidential term limits—the president can appoint the heads and members of all commissions, subverting legislative guarantees for the independence of the TRC and other statutory institutions.²⁷ Rajapaksa cemented control of the TRC by appointing his permanent secretary as its chairman.²⁸ The TRC's interventions to restrict online content and pronouncements on strengthening online regulation have been partisan, extralegal, and repressive.²⁹

Limits on Content

Targeted, politicized censorship continued throughout 2013 and 2014 with the website of the Colombo Telegraph periodically blocked, apparently because of its dissenting content and coverage of controversial political affairs in the country. As in the past, the government denied responsibility. Hate speech online, however, appeared to subside over the last year, though violent anti-Muslim incidents contin-

21 Nenasala, "Establishment of Nenasalas," accessed July 2013, <http://www.nanasala.lk/>.

22 "ICTA Responds to Business Times Report on E-Government Project," *Business Times*, January 6, 2013, <http://bit.ly/1bmHPwO>.

23 "Cutting off Telecoms in Sri Lanka Redux...," *Groundviews*, January 30, 2007, <http://groundviews.org/2007/01/30/cutting-off-telecoms-in-sri-lanka-redux/>.

24 M.A. Sumanthiran, "Situation in North-Eastern Sri Lanka: A Series of Serious Concerns," *dbsjeyaraj*, October 23, 2011, <http://dbsjeyaraj.com/dbsj/archives/2759>.

25 Rohan Samarajiva, "Sri Lanka census data show heavy household Internet use in post-conflict minority districts," *LirneAsia*, December 30, 2013, <http://lirneasia.net/2013/12/sri-lanka-census-data-show-heavy-internet-use/>

26 Under the Telecommunications Act No. 21 of 1994, the Minister of Telecommunications and Information Technology has sole discretion in issuing licenses and imposition of license conditions based on the recommendations of the TRC.

27 "Eighteenth Amendment to the Constitution," October 2010, [http://www.priu.gov.lk/Cons/1978Constitution/18th%20Amendment%20to%20Sri%20Lanka%20Constitution%20\(2\).pdf](http://www.priu.gov.lk/Cons/1978Constitution/18th%20Amendment%20to%20Sri%20Lanka%20Constitution%20(2).pdf).

28 Democratic Socialist Republic of Sri Lanka, "Statutory Institutions and Ministries under the Executive President," accessed July 2013, http://www.president.gov.lk/about_presidency.php.

29 "Colombo Telegraph blockade: TRC clueless," *Daily FT*, August 27th, 2013, <http://www.ft.lk/2013/08/27/colombo-telegraph-blockade-trc-clueless/>; Sarath Kumara, "Sri Lankan government prepares new Internet restrictions," *World Socialist Web Site*, February 15, 2010, <http://www.wsws.org/articles/2010/feb2010/slmd-f15.shtml>.

ued to be the topic of much discussion on social media, with messages of support extended towards the Muslim community from Facebook users within the country.

Local and international freedom of expression groups have documented dozens of websites blocked at different times in Sri Lanka since 2007, though the interventions lack a legal framework or judicial oversight.³⁰ Implementation is not properly coordinated or comprehensive, with some targeted websites available at times on one or more ISPs and at other times completely inaccessible. Officials cite ill-defined national security measures to legitimize these measures, though websites have been blacklisted for content related to human rights issues, government accountability, corruption, and political violence. Censors have targeted the political opposition and independent news, including Tamil websites, sites run by Sri Lankans in exile, and citizen journalism platforms, though usually without acknowledging a political motive. The government also restricts access to pornography.³¹

Officials monitor websites for sensitive political content and direct the TRC to blacklist them, which in turn requests ISPs to block access. Under the country's telecommunications act, ISPs must apply to the Ministry of Mass Media and Information for a license according to specifications laid out by the TRC, who can make recommendations regarding whether or not a license is granted. The ministry can also impose conditions on a license, requiring the provider to address any matter considered "requisite or expedient to achieving" TRC objectives.³² It is not clear if the TRC can impose other financial or legal penalties on uncooperative telecommunications companies. To date, however, no company is known to have challenged its requests or sought judicial oversight.³³

Blocking has continued at low but consistent levels in recent years, including at least three Tamil-language news websites censored in 2012. The exile-run news website *TamilNet* has been blocked since 2007 for its support of Tamil rebels.³⁴ The *Colombo Telegraph* website has been periodically blocked since it first started reporting on political issues in the country, though authorities denied responsibility in August 2013.³⁵ In March 2014, the website was blocked once again,³⁶ and remained inaccessible despite the concern expressed by opposition parties.³⁷ In May 2014, two more websites, the *Sri Lanka Mirror* and the *Independent*, were blocked allegedly for publishing news items that were critical of the government.³⁸

30 Centre for Policy Alternatives, "Chapter 4: Restriction of Content on the Internet" in *Freedom of Expression on the Internet*, (November 2011), <http://www.scribd.com/doc/73393066/Freedom-of-Expression-on-the-Internet-in-Sri-Lanka>.

31 Indika Sri Aravinda, "Police Seek Mobile Porn Ban," *Daily Mirror*, May 12, 2010, <http://www.dailymirror.lk/news/3705-police-seeks-mobile-porn-ban.html>.

32 Centre for Policy Alternatives, *Freedom of Expression on the Internet* (2011), 30.

33 'Dialog CEO Hans Wijesuriya: "No surveillance program in Sri Lanka, but telecoms have to comply"', *The Republic Square*, September 28, 2013, <http://www.therepublicsquare.com/politics/2013/09/28/dialog-ceo-hans-wijesuriya-no-surveillance-program-in-sri-lanka-but-telecoms-have-to-comply/>

34 Local internet users reported it was patchily accessible through some fixed-line and mobile broadband networks during that time. See, Sanjana Hattotuwa, "Tamilnet.com Accessible Once More in Sri Lanka via SLT ADSL," *ICT for Peacebuilding* (blog), August 5, 2010, <http://ict4peace.wordpress.com/2010/08/05/tamilnet-com-accessible-once-more-in-sri-lanka-via-slt-adsl/>.

35 "TRC deny blocking Colombo Telegraph," *The Republic Square*, August 27, 2013, <http://www.therepublicsquare.com/politics/2013/08/27/trc-deny-blocking-colombo-telegraph/>

36 "Sri Lanka: Colombo Telegraph Silenced," *Article 19*, March 7th, 2014, <http://www.article19.org/resources.php/resource/37509/en/sri-lanka-colombo-telegraph-silenced>

37 "They need to reveal on what official instructions or court order they are implementing this illegal censorship." – "UNP slams govt, service providers over internet censorship", *Ada Derana*, March 8, 2014, http://www.aderana.lk/news.php?nid=26008&utm_source=twitterfeed&utm_medium=twitter

38 "Sri Lanka blocks two more websites critical of government: rights group", *Reuters*, May 21, 2014, <http://in.reuters.com/article/2014/05/21/uk-sri-lanka-censorship-media-idINKBN0E11TT20140521>

It is not clear whether the government has resources to implement deep-packet inspection (DPI) that would enable real-time filtering and other, more sophisticated censorship methods. In 2010, local news reports said IT military intelligence experts from China—where such methods are well-established—were assisting the government in blocking “offensive” websites.³⁹ In 2014, the *New York Times* reported that the Sri Lankan government “has hired a Chinese company” to censor online news, but did not report more details.⁴⁰ Despite anecdotal reports that some Sri Lankan telecoms have DPI capabilities to enhance mobile data services, there is no evidence to date that these have been used to censor content.

In 2011, the government announced plans to introduce more comprehensive legislation to control internet use, ostensibly to crackdown on child abuse online.⁴¹ However, regulations introduced since then target independent news and opinion, including the Ministry of Mass Media and Information’s 2011 registration policy for websites carrying ill-defined “content relating to Sri Lanka or the people of Sri Lanka,”⁴² a move unsupported by law which could potentially be used to hold owners responsible for information posted by users. Local news outlets reported in 2012 that the ministry had rejected over 50 registrations due to “false and incomplete” registration details, though how they assessed the veracity and which websites were affected remains unclear.⁴³ Also in 2012, the defense ministry’s Media Centre for National Security directed news organizations to submit SMS news alerts containing content related to “national security and security forces” for prior approval,⁴⁴ shortly after coverage of the killing of three soldiers in the northern province.⁴⁵ The center did not outline a legal basis for the directive; SMS news alerts continue to be disseminated by news operators, but with a noticeable lack of coverage of military issues.

In 2012, the media ministry directed the cabinet to amend the notorious Press Council Act No.5 of 1973, making news websites subject to the same draconian content regulation as traditional media. The act prohibits the publication of profanity, obscenity, “false” information about the government or fiscal policy, and official secrets. It also allows the president-appointed council to impose punitive measures on the violators of its provisions, including possible prosecution. The legislation had lain dormant under previous administrations until President Rajapaksa reactivated it after the end of the war. Strenuous objections from the international freedom of expression community failed to prevent the government extending the restrictions to digital media.⁴⁶ The amendment instituted a hefty registration fee of LKR 100,000 (\$790), plus an annual renewal fee of LKR 50,000 (\$395), costs which

39 Bandula Sirimanna, “Chinese Here for Cyber Censorship,” *The Sunday Times*, February 14, 2010, http://sundaytimes.lk/100214/News/nws_02.html.

40 Gardiner Harris and Dharisha Bastians, “Sri Lanka Denounces Push to Open War Inquiry,” *NYTimes.com*, February 25, 2014, http://www.nytimes.com/2014/02/26/world/asia/sri-lanka-rejects-push-for-independent-war-inquiry.html?emc=edit_tnt_20140225&tntemail0=y&r=2

41 Indika Sri Aravinda, “Government to Monitor Internet,” *The Sunday Leader*, December 18, 2011, <http://www.thesundayleader.lk/2011/12/18/government-to-monitor-internet/>.

42 “Website Ban Further Broadened on News Director General Notification,” *Lanka-E-News*, November 5, 2011, <http://www.lankaenews.com/English/news.php?id=12427>.

43 Sulochana Perera, “Fifty Website Registrations Turned Down,” *Ceylon Today*, March 25, 2012, <http://www.ceylontoday.lk/16-3899-news-detail-fifty-website-registrations-turned-down.html>.

44 “New Censorship of SMS News in Sri Lanka,” *Groundviews*, March 12, 2012, <http://groundviews.org/2012/03/12/new-censorship-of-sms-news-in-sri-lanka/>.

45 “New Censorship of SMS News in Sri Lanka,” *Groundviews*.

46 Bob Dietz, “Defense Tools for Sri Lanka’s Online Onslaught,” *CPJ Blog*, July 25, 2012, <http://cpj.org/blog/2012/07/defense-tools-for-sri-lankas-online-onslaught.php>; “Media Skeptical over Press Council Act Amendments,” *IFEX*, July 30, 2012, http://www.ifex.org/sri_lanka/2012/08/03/press_council_act/.

threaten to inhibit the emergence of new websites and force existing ones out of operation.⁴⁷ It failed to define what constitutes “news,” providing leeway for authorities to scrutinize a wider range of online platforms like blogs or social media.⁴⁸

The trend continued in June 2013 when the ministry proposed a new code of ethics for print and electronic media. The code contained broad provisions prohibiting the publication of thirteen types of speech, including content that “offends against expectations of the public, morality of the country,” content that “contains material against the integrity of executive, legislative and judiciary,” and content that “contains criticism affecting foreign relations.”⁴⁹ When questioned about the necessity of the code, Minister of Mass Media and Information Keheliya Rambukwella said, “Well, at some point we need to start regulating the media.”⁵⁰ Following opposition by free speech activists and condemnation by international rights groups, the government appears to have set the code aside.⁵¹

There is no independent body in Sri Lanka that content providers can turn to if they are censored. Instead, they must file a fundamental rights application with the Supreme Court to challenge blocking or other restrictions. Lack of trust in the country’s politicized judiciary and fear of retaliatory measures represent significant obstacles for the petitioner.⁵² In December 2011, one settled out of court, agreeing to several TRC conditions—such as removing links to blocked content—in return for restored access.⁵³

The absence of clear laws and conflicting official statements also complicate the process of launching legal challenges. In 2011, officials acknowledged blocking at least five locally hosted news websites,⁵⁴ including the *Sri Lanka Mirror* and *Lanka-E-News*, citing concerns about defamation in the wake of stories about corruption and human rights violations that implicated high-ranking officials. One official accused the sites of publishing “character assassinations” of the president, while another said they were blocked for failing to register with the media ministry.⁵⁵ Members of the local Free Media Movement brought a fundamental rights petition challenging the ministry’s grounds for blocking unregistered sites—which has no legal basis—but the Supreme Court rejected it in 2012.⁵⁶

47 “Rs.100,000 to be Charged from News Websites,” *Daily Mirror*, July 12, 2012, <http://www.dailymirror.lk/news/20228-cabinet-approves-to-amend-the-press-council-law.html>.

48 “Defining News Hinders Websites Registration,” *The Nation*, July 15, 2012, <http://www.nation.lk/edition/news-online/item/8321-defining-news-hinders-websites-registration.html>.

49 “Press freedom fears as Sri Lanka considers new media code,” *The Guardian*, June 19, 2013, <http://www.theguardian.com/media/greenslade/2013/jun/19/press-freedom-srilanka>

50 Sachin Parathalingam, “At some point we’ll need to regulate the media,” *Ceylon Today*, June 25, 2013, <http://www.ceylontoday.lk/59-35899-news-detail-at-some-point-well-need-to-regulate-the-media.html>

51 Kath Noble, “Mahinda Rajapaksa’s ‘Bright Ideas’,” *Colombo Telegraph*, June 26, 2013, <https://www.colombotelegraph.com/index.php/mahinda-rajapaksas-bright-ideas/>

52 International Crisis Group, “Sri Lanka’s Judiciary: Politicised Courts, Compromised Rights,” *Asia Report No.172*, January 30, 2009, <http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/172-sri-lankas-judiciary-politicised-courts-compromised-rights.aspx>.

53 S.S. Selvanayagam, “Website Previously Blocked now Permitted to Operate by SC,” *DailyFT*, December 16, 2011, <http://www.ft.lk/2011/12/16/website-previously-blocked-now-permitted-to-operate-by-sc/>.

54 At least one of these sites – www.lankaenews.com – continues to be periodically blocked in the country.

55 Charles Haviland, “Sri Lanka blocks websites for ‘malining’ president,” *BBC News*, November 7, 2011, <http://www.bbc.co.uk/news/world-asia-15621160>.

56 Bob Dietz, “Sri Lanka Supreme Court Slams Door on Websites,” *CPJ Blog*, May 17, 2012, <http://cpj.org/blog/2012/05/sri-lanka-supreme-court-slams-door-on-websites.php>.

The government actively encourages self-censorship “on matters that would damage the integrity of the island,” and many mainstream news websites comply, increasing the importance of citizen journalism and exile-run sites in the media landscape.⁵⁷ Online platforms of the main state-run newspaper and broadcasting network support the UPFA government.⁵⁸ These and official government websites have waged smear campaigns against government critics in the past.⁵⁹

In early 2013, hate speech against the Muslim community spread online when a Sinhala Buddhist extremist group gained a considerable following on social media.⁶⁰ The group’s violent rhetoric led to attacks on mosques and Muslim-owned businesses, as well as isolated incidents of assault.⁶¹ No legal action was taken against the group’s members, and prominent public officials—including the president’s brother, Defense Secretary Gotabhaya Rajapaksa—openly supported them.⁶² Many of the relevant social media pages have since been removed, and the activity declined during the coverage period of this report, though without stopping altogether.

YouTube, Facebook, Twitter and international blog-hosting services were accessible and widely-used for the anonymous or pseudonymous critique of governance, development, and human rights abuses during the coverage period of this report, though authorities have temporarily blocked website domains on blog platforms in the past.⁶³ However, the networks came in for high-level criticism. In June 2013, Gotabhaya Rajapaksa called social media a threat to national security, providing a platform for “propagating certain ideologies online and mobilizing and organizing people.”⁶⁴ This view was reinforced by President Rajapaksa in October when he stated that social media sites like Facebook are a “disease” and that there are “ways” to block them,⁶⁵ though he himself maintains an active Facebook page and Twitter profile. In March 2014, the information ministry announced that it had formed a committee to look into regulating social media in order to “control the spread of information without credibility as well as to prevent its misuse and criminal activities connected to the Internet.”⁶⁶ While the stated intent of the committee was to address cyber-harassment, it caused concern among digital activists. In May 2014, President Rajapaksa reaffirmed his intent to regulate

57 Dinidu De Alwis, “Media Should Exercise Self-Censorship,” *Ceylon Today*, March 23, 2012, <http://www.ceylontoday.lk/16-3780-news-detail-media-should-exercise-self-censorship-lakshman-yapa.html>.

58 “Namal’s Disclosure of Family Embarrassment,” *The Island*, December 21, 2011, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=41622.

59 World Organization Against Torture, “Sri Lanka: Smear Campaign Against Ms. Sunila Abeysekera, Ms. Nimalka Fernando, Dr. Paikiasothy Saravanamuttu and Mr. Sunanda Deshapriya,” March 27, 2012, <http://www.omct.org/human-rights-defenders/urgent-interventions/sri-lanka/2012/03/d21700/>; Committee to Protect Journalists, “In Sri Lanka, Censorship and a Smear Campaign,” news alert, July 14, 2009, <http://cpj.org/2009/07/in-sri-lanka-censorship-and-a-smear-campaign.php>.

60 Sanjana Hattotuwa, “Anti-Muslim Hate Online in Post-War Sri Lanka”, February 1, 2013, <http://sanjanah.wordpress.com/2013/02/01/anti-muslim-hate-online-in-post-war-sri-lanka/>.

61 Haviland, “The Hardline Buddhists Targeting Sri Lanka’s Muslims.”

62 D.B.S. Jeyaraj, “Defence Secretary Gotabhaya Rajapaksa Openly Supportive of “Ethno Religious Fascist” Organization Bodhu Bala Sena,” *dbsjeyaraj*, March 10, 2013, <http://dbsjeyaraj.com/dbsj/archives/17939>

63 “More Websites Including ghs.google.com Blocked in Sri Lanka?,” *ICT for Peacebuilding* (blog), July 29, 2009, <http://ict4peace.wordpress.com/2009/07/29/more-websites-including-ghs-google-com-blocked-in-sri-lanka/>.

64 “Social media is a threat to national security says Gotabhaya Rajapaksa in speech delivered to Defence University,” *The Republic Square*, June 14, 2013, <http://www.therepublicsquare.com/politics/2013/06/14/social-media-threat-national-security-gotabaya/>

65 “President says Facebook is a disease in Sri Lanka,” *The Republic Square*, October 10, 2013, <http://www.therepublicsquare.com/politics/2013/10/10/president-says-facebook-is-a-disease-in-sri-lanka/>

66 “SL Govt. to regulate social media”, *The Sunday Times*, March 10, 2014, <http://www.sundaytimes.lk/news/46693.html>

social media and stated that the government would take the necessary steps to prevent the internet from being used to cause “social and political unrest.”⁶⁷

Despite the history of restrictions, there are still diverse, accessible sources of information online in English, Sinhala, and Tamil, including on socioeconomic and political issues. Some previously blocked content was available in 2014. Citizen media site *Groundviews* and its sister site *Vikalpa* were also operating freely, despite SLT temporarily blocking them for a day in 2011.⁶⁸ The platforms report on topics that would otherwise not be covered by the mainstream media and provide links to circumvention tools.⁶⁹ Another website, *The Republic Square*, started up in mid-2013 and has become a widely read news platform. Although online content by Human Rights Watch and Transparency International has been blocked in the past when the groups criticized the Rajapaksa administration,⁷⁰ websites belonging to international media and human rights groups were freely accessible in 2014.

Violations of User Rights

During the coverage period, foreign journalists were detained and at least one web journalist remained missing for the fourth year. Fewer rights violations affecting internet users were reported, and physical attacks and threats against journalists, including many linked to government actors, have decreased since the war and its immediate aftermath. But the failure to investigate past incidents cast a long shadow, perpetuating fear and self-censorship.

While the right to freedom of speech, expression, and publishing is guaranteed under Article 14 (1) (a) of Sri Lanka’s constitution, it is subject to numerous restrictions for the protection of national security, public order, racial and religious harmony, and morality. There is no constitutional provision recognizing internet access as a fundamental right or guaranteeing freedom of expression online. A culture of impunity, circumvention of the judicial process through arbitrary action, and a lack of adequate protection for individuals and their privacy, compound the poor enforcement of freedom of expression guarantees.

The Supreme Court has called freedom of expression from “diverse and antagonistic sources” indispensable to democracy.⁷¹ In 2012, however, it rejected a fundamental rights petition brought by members of the local Free Media Movement questioning the media ministry’s right to block websites for failure to register.⁷² By doing so, it missed a critical opportunity to check the government’s use of vague directives to control online content. After a complaint was made to the Human Rights

67 PK. Balachandran, “Social Media To Come Under Watch in Sri Lanka”, May 23, 2014, <http://www.newindianexpress.com/world/Social-Media-to-Come-Under-Watch-in-Sri-Lanka/2014/05/23/article2240021.ece>

68 “Groundviews Blocked and Unblocked,” *ICT for Peacebuilding* (blog), June 22, 2011, <http://ict4peace.wordpress.com/2011/06/22/groundviews-blocked-and-unblocked/>.

69 “#UPRLKA: Complete Tweet Archive and Related Visualisation Around Sri Lanka’s UPR Review,” *Groundviews*, November 2, 2012, <http://groundviews.org/2012/11/02/uprlka-complete-tweet-archive-and-related-visualisation-around-sri-lankas-upr-review/>.

70 Reporters Without Borders, “Internet Enemies,” March 12, 2009, <http://bit.ly/tus9bB>.

71 Centre for Policy Alternatives, *Freedom of Expression on the Internet in Sri Lanka*, (August, 2010), 54, <http://www.eldis.org/vfile/upload/1/document/1008/FOE%20and%20Internet%20in%20Sri%20Lanka.pdf>.

72 Bob Dietz, “Sri Lanka Supreme Court Slams Door on Websites,” *CPJ Blog*, May 17, 2012, <http://cpj.org/blog/2012/05/sri-lanka-supreme-court-slams-door-on-websites.php>.

Commission of Sri Lanka about the blocking of two websites in May 2014, the commission said it would investigate, but that freedom of expression was subject to constitutional limits.⁷³

Several laws with overly broad scope lack detailed definitions and can be abused to prosecute or restrict legitimate forms of online expression. Computer crimes and intellectual property rights laws allow information contained within computers to be admissible in civil and criminal proceedings. Publishing official secrets, information about parliament that may undermine its work, or “malicious” content that incites violence or disharmony could result in criminal charges.⁷⁴ In 2011, the Ministry of Justice mooted a new obscene publications act to extend anti-pornography laws to electronic media, but did not correct the existing act’s failure to define “obscene.”⁷⁵ As of mid-2014, the ministry had made no announcements regarding the legislation’s implementation.

As in past years, the government obstructed right to information (RTI) legislation which would promote citizens’ access to documents held by government agencies and ministries. The Lessons Learnt and Reconciliation Commission—a post-war commission of inquiry appointed by President Rajapaksa in May 2010—recommended RTI legislation as a necessary step towards addressing past and ongoing rights violations.⁷⁶ UPFA parliamentarians rejected an opposition-backed bill in 2011,⁷⁷ and in 2012, Charitha Herath, the media ministry secretary, said national security concerns would continue to delay the bill, which had yet to be presented in mid-2014.⁷⁸

In mid-2012, police arrested nine staff from two news websites. Criminal Investigations Department (CID) officials raided the offices of the *Sri Lanka Mirror* and *Sri Lanka X News* in June on grounds of “propagating false and unethical news on Sri Lanka.”⁷⁹ The action had scant foundation in law. The CID obtained a search warrant and arrested the employees citing violation of Articles 115, 118 and 120 of Sri Lanka’s penal code. Articles 118 and 120 broadly deal with defamation and the incitement of contempt and hatred, although Article 118 was repealed in 2002, and Article 115 covers conspiracy to overthrow government by coercion.⁸⁰ The journalists were released on bail the day after their arrest, though investigators later said their computers contained further grounds for prosecution, including content that violated the Obscene Publications Act—although the alleged obscenity was unpublished⁸¹—failure to register the website, ridiculing the president, and evidence of an attempt-

73 Waruni Karunaratne, “HRC To Study Complaint on Websites”, *The Sunday Leader*, May 25, 2014, <http://www.thesundayleader.lk/2014/05/25/hrc-to-study-complaint-on-websites/>

74 Respective legislation: Official Secrets Act No. 32 of 1955; Parliament (Powers and Privileges) (Amendment) 1997; Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979.

75 “Tough New Laws against Porn,” *Daily Mirror*, October 24, 2011, <http://www.dailymirror.lk/news/14318-tough-new-laws-against-porn.html>.

76 The report further recommended that steps be taken to “prevent the harassment and attacks on media personnel and institutions.” See, The Official Website of the Government of Sri Lanka, *Report of the Commission of Inquiry on Lessons Learnt and Reconciliation* (2011), 197-8, http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf.

77 “Govt. Rejects our Right to Know,” *The Sunday Times*, “The Political Editor,” June 26, 2011, <http://sundaytimes.lk/110626/Columns/political.html>.

78 Bob Dietz, “No Right to Information in Sri Lanka”, *CPJ Blog*, August 7, 2012, <http://www.cpj.org/blog/2012/08/no-right-to-information-in-sri-lanka.php>.

79 “Websites Propagating False News Sealed—MOD,” *Daily Mirror*, June 30, 2012, <http://www.dailymirror.lk/news/19885-websites-propagating-false-news-sealed-mod.html>.

80 Wasantha Ramanayake, “Petitioners Claim They were Arrested Under Law Repealed Ten Years Ago,” *The Sunday Times*, July 29, 2012, <http://www.sundaytimes.lk/120729/news/petitioners-claim-they-were-arrested-under-law-repealed-10-years-ago-7461.html>.

81 Farook Thajudeen, “Pornographic Material from Sri Lankamirror Computers—CID,” *Daily Mirror*, July 23, 2012, <http://www.dailymirror.lk/news/20514-phonographic-material-from-srilankamirror-computers-cid.html>.

ed coup.⁸² While the case was finally set aside due to the CID failing to conclude investigations, the journalists filed a fundamental rights petition with the Supreme Court citing illegal arrest, violation of their right to free expression, and their profession.⁸³ Hearings are ongoing. Media activists, rights organizations, and diplomatic missions viewed the arrests as intimidation stemming from the websites' pro-opposition reporting.⁸⁴ External Affairs Minister G.L Peiris' defense of the raid compounded that view when he accused the sites of turning "deaf ears to repeated warnings to tone down their coverage."⁸⁵

Extrajudicial surveillance of personal communications is prohibited under the Telecommunications Act No.27 of 1996. However, a telecommunications officer can intercept communications under the direction of a minister, a court, or in connection with the investigation of a criminal offence. There is no provision under the legislation that requires officials to notify users who are targets of surveillance, and many journalists and civil society activists believe their phone and internet communications are monitored. In late 2013, Dialog CEO Dr. Hans Wijesuriya denied the existence of a comprehensive surveillance apparatus in Sri Lanka but agreed that telecommunications companies "have to be compliant with requests from the government."⁸⁶

Sri Lanka lacks substantive laws for the protection of individual privacy and data. Official statements lauding state surveillance make this absence a particular concern for internet users,⁸⁷ as do policies like website registration, which civil society groups fear could be used to hold registered site owners responsible for content posted by users, or to prevent government critics writing anonymously.⁸⁸ Digital activists in Sri Lanka also believe Chinese telecoms ZTE and Huawei, who continue to collaborate with the government in the development and maintenance of Sri Lanka's ICT infrastructure, may have inserted backdoor espionage and surveillance capabilities.⁸⁹

82 "SL Mirror Computers Returned," *Ceylon Today*, September 18, 2012, <http://www.ceylontoday.lk/13044-print.html>.

83 T. Farook Thajudeen, "Sri Lanka Mirror Case Set Aside," *Daily FT*, September 19, 2012, <http://www.ft.lk/2012/09/19/sri-lanka-mirror-case-set-aside/>

84 Human Rights Watch, "Sri Lanka: Halt Harassment of Media", July 3, 2012, <http://www.hrw.org/news/2012/07/03/sri-lanka-halt-harassment-media>, "US Concern over Media Harassment," *Daily Mirror*, June 30th, 2012, <http://www.dailymirror.lk/news/19892-us-concern-over-media-harassment.html>.

85 "Sri Lanka FM Hits Back Over Crackdown Criticism," *NY Daily News*, July 4, 2012, <http://india.nydailynews.com/newsarticle/4ff5d22ec3d4ca667400000a/sri-lanka-fm-hits-back-over-crackdown-criticism>.

86 "Dialog CEO Hans Wijesuriya: "No surveillance program in Sri Lanka, but telecoms have to comply", *The Republic Square*, September 28, 2013, <http://www.therepublicsquare.com/politics/2013/09/28/dialog-ceo-hans-wijesuriya-no-surveillance-program-in-sri-lanka-but-telecoms-have-to-comply/>

87 "It's Ok for Government to Infiltrate Online Privacy of Sri Lankan Citizens?," *ICT for Peacebuilding* (blog), April 17, 2010, <http://ict4peace.wordpress.com/2010/04/17/its-ok-for-government-to-infiltrate-online-privacy-of-sri-lankan-citizens/>.

88 Centre for Policy Alternatives, "Arbitrary Blocking and Registration of Websites: The Continuing Violation of Freedom of Expression on the Internet," November 9, 2011, <http://cpalanka.org/arbitrary-blocking-and-registration-of-websites-the-continuing-violation-of-freedom-of-expression-on-the-internet/>.

89 ZTE Corporation signed an agreement with Mobitel to develop its 4G LTE network and carried out successful trials in May 2011, while SLT's ADSL infrastructure is supported by Huawei. See, "Sri Lanka's Mobitel and ZTE Corporation Carry Out the First Successful 4G(LTE) Trial in South Asia," ZTE, May 17, 2011, http://www.zte.com.cn/en/press_center/news/201105/t20110517_234745.html; Ranjith Wijewardena, "SLT Tie Up With Huawei to Expand Broadband Internet Coverage," *Nanasala*, September 29, 2006, http://www.nanasala.lk/article_more.php?id=10; Sanjana Hattotuwa, "Are Chinese Telecoms Acting as the Ears for the Sri Lankan Government?," *Groundviews*, February 16, 2012, <http://groundviews.org/2012/02/16/are-chinese-telecoms-acting-as-the-ears-for-the-sri-lankan-government/>; "President holds discussions with Huawei Chairperson", *Lanka Business Today*, May 29, 2014, http://www.lankabusiness.today.com/news/business/6947-president-%20mahinda-rajapaksa-holds-discussions-with-huawei-chairperson-sun-%20yafang?utm_medium=twitter&utm_source=twitterfeed.

There were no new reports of arrests made for information shared by email or text message. Sri Lankan police have made such arrests in the past, though whether the content was obtained through extrajudicial surveillance is not clear. Following the 2010 presidential election, a Media Centre for National Security spokesman told local journalists that police had detained “a few people” for text messages criticizing the outcome of the polls, without elaborating.⁹⁰ News reports said the detainees had disseminated similar content on Facebook and Twitter. The TRC denied tracing critical commentators through social media, and an unnamed source in the telecommunications industry told Sri Lanka’s *Sunday Times* the police could have been acting on complaints from message recipients.

A Ministry of Defense program to register mobile phone users for the purpose of “curbing negative incidents” was introduced in 2008 and revisited in 2010 after service providers failed to ensure that subscribers registered.⁹¹ Real-name subscriptions are already normal procedure, but the call for registration in 2010 required further information, including photo identification and up-to-date residential details. Unregistered users risk disconnection if they failed to comply, though no cases have been reported.

Online reporters, like their counterparts in traditional media, were attacked by forces on both sides during Sri Lanka’s civil conflict. Unsolved cases include the 2005 murder of *TamilNet* co-founder Dharmaratnam Sivaram, who was found dead in a high-security area outside parliament.⁹² The UN Human Rights Council adopted a resolution urging the government to investigate war crimes in 2012, but the trend of violence against traditional journalists continues amid a culture of impunity. In August 2013, unidentified assailants attacked an editor of the *Sunday Leader* in her home.⁹³ Frederica Jansz, previously the editor of the *Sunday Leader*, fled Sri Lanka in 2012 after Gotabhaya Rajapaksa threatened her during a telephone conversation.⁹⁴

International news reports and rights groups say government soldiers are responsible for the notorious “white van” abductions of critics and activists⁹⁵—named after the vehicle often used to carry them out—a claim the administration denies.⁹⁶ *Lanka-E-News* journalist and cartoonist Prageeth Ekneligoda has been missing since January 24, 2010, after the website backed the political opposition in elections.⁹⁷ Officials say he sought asylum overseas.⁹⁸ The inaction on his case, combined with other methods of intimidation including arson attacks and legal harassment, forced *Lanka-E-News*

90 “Monitoring Cyberspace to Regulate Anti-Govt. Content,” February 14, 2010, http://sundaytimes.lk/100214/News/nws_50.html.

91 Bandula Sirimanna, “Sri Lanka to Tighten Mobile Phone Regulations,” *The Sunday Times*, October 31, 2010, <http://sundaytimes.lk/101031/BusinessTimes/bt32.html>.

92 Committee to Protect Journalists, “Journalists Killed, Sri Lanka: Dharmaratnam Sivaram,” accessed January, 2013, <http://www.cpj.org/killed/2005/dharmaratnam-sivaram.php>.

93 “Critical Sri Lankan newspaper editor held at knifepoint,” CPJ, August 26, 2013, <http://cpj.org/2013/08/critical-sri-lankan-newspaper-editor-held-at-knife.php>

94 Frederica Jansz, “Gota Goes Berserk,” *The Sunday Leader*, July 8, 2012, <http://bit.ly/RBuH9u>.

95 “A Disappearance Every Five Days in Post-War Sri Lanka,” *Groundviews*, August 30, 2012, <http://groundviews.org/2012/08/30/a-disappearance-every-five-days-in-post-war-sri-lanka/#>.

96 “Abduction squads in Sri Lanka target foes of powerful,” August 22, 2012, <http://www.washingtontimes.com/news/2012/aug/22/abduction-squads-in-sri-lanka-target-foes-of-power/?page=all>.

97 T. Farook Thajudeen, “Prageeth Ekneligoda Disappearance Case Still Going On,” *Daily FT*, December 24, 2011, <http://www.ft.lk/2011/12/24/prageeth-eknaligoda-disappearance-case-still-ongoing/>; Bob Dietz, “UN Heard Eknelygoda’s Cry For Help; Husband Still Missing,” *CPJ Blog*, May 21, 2011, <http://bit.ly/Gzv9o2>.

98 Chris Kamalendran, “Ekneligoda Case: Focus on Ex-AG,” *The Sunday Times*, December 11, 2011, http://sundaytimes.lk/111211/News/nws_24.html.

and its editor out of the country.⁹⁹ While international journalists faced increased harassment,¹⁰⁰ there were no attacks on online journalists or internet users during the coverage period of this report.

Cybercrime is a growing problem in Sri Lanka, with illegal breaches of social media and email accounts becoming more common.¹⁰¹ Networks associated with the LTTE have been reported attempting to hack into national security networks and carry out web defacement attacks.¹⁰² The government has recognized the need to strengthen its defensive capability, yet critics fear technology bought for this purpose could be used to restrict legitimate expression.¹⁰³ Cyberattacks have also targeted government critics in the past, though no incidents were reported during the coverage period. The attackers are thought to align with the government. In June 2007, Media Minister Keheliya Rambukwella told journalists "We are looking for hackers to disable...*TamilNet* but could not find anyone yet."¹⁰⁴

99 Bob Dietz, "Sandhya Eknelygoda Speaks for Sri Lanka's Disappeared," *CPI Blog*, September 4, 2012, <http://cpj.org/blog/2012/09/sandhya-eknelygoda-speaks-for-sri-lankas-disappear.php>.

100 "Sri Lanka detains, then releases two visiting journalists", CPJ, November 1st, 2013, <https://www.cpj.org/blog/2013/11/sri-lanka-detains-then-releases-two-visiting-journ.php>; "Indian journalist arrested in Sri Lanka", CPJ, December 27, 2013, <https://www.cpj.org/2013/12/indian-journalist-arrested-in-sri-lanka.php>

101 "681 SL Cyber Security Incidents So Far in 2011," *The Sunday Times*, October 16, 2011, <http://www.sundaytimes.lk/111016/BusinessTimes/bt31.html>.

102 "Sri Lanka Army Commander says Cyber War Still Continues," *Colombo Page*, February 22, 2011, http://www.colombopage.com/archive_11/Feb22_1298388902CH.php.

103 Centre for Policy Alternatives, *Freedom of Expression on the Internet* (2011), 42.

104 "TamilNet Blocked in Sri Lanka," BBC Sinhala, June 20, 2007, http://www.bbc.co.uk/sinhala/news/story/2007/06/070620_tamilnet.shtml.