

Journalism on the front line

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In this essay Sri Lankan journalist Amal Jayasinghe writes of his experience reporting for an international news agency on different stages of the conflict in Sri Lanka over the past thirty years. He describes the impact of physical threats to Sri Lankan journalists, and the effect of emergency laws and other legal instruments in controlling and restricting the media. He assesses the sensitivity of the government and sections of the Sri Lankan media to foreign reporting on the conflict in Sri Lanka and the extent to which it assists or handicaps the local assertion of media freedoms and the practice of independent journalism. He writes of the need for professional standards and the cooperation of media institutions in providing training, and the challenges ahead for the Sri Lankan media following the end of the war against the LTTE and Tamil separatism.

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Journalism is a risky business in Sri Lanka. At the height of fighting between Tamil rebels and Indian troops deployed in the island's north-east, and a more vicious battle between Sri Lankan forces and Marxist Sinhalese militants elsewhere in the island, I personally had reason to fear that a death squad was after me in the capital Colombo. More than 22 years later, both wars have ended, but an undeclared war against the media has continued. Decades of inter-ethnic war and two rebellions since 1971 by mainly Sinhalese youth have ensured that the media has to contend with many deadly adversaries, and not just the state security apparatus. Nearly 20 journalists as well as employees of media organisations have been killed and many more wounded, intimidated or forced to seek refuge abroad.

1. Afghan comparisons

In early 1990, my bosses in the French news agency AFP (Agence France Presse) thought I might be safer in Afghanistan! At the time, the Afghan capital of Kabul was almost under siege and more than a dozen rockets would hit the city on a daily basis, leaving scores killed or wounded. The only airline to fly into the war zone, Ariana Afghan Airlines, would do a hair-raising cork-screw manoeuvre to land at Kabul airport where bombed wreckage of Russian-built planes could be seen from the air. Yet the Afghan war somehow appeared less fearsome than the need always to be looking over one's shoulder and living in constant fear of abduction and torture at home. Fellow journalists and a few diplomat friends who met at the only hang out in Kabul, the UN Staff House, would make light of the situation. "If you hear a rocket, that is good. That means you are alive and probably can report the attack. But, if you don't hear it, well, you may not be able to report it..."

Shortly before I was sent to Afghanistan, the Inter Press Service journalist Richard de Zoysa had been abducted and eventually killed, probably by the same killer squad that visited my home in the same neighbourhood. I had never worked with Richard, but knew him professionally and socially. His mother was our family doctor who helped deliver our first child almost two years earlier -- on Richard's birthday.

There had been many a theory on why he was killed. It might have been a reaction to the impact of his journalism, or his political activism with university students. It was clear that members of the police had a direct involvement and the authorities wanted him dead. The same authorities had been unhappy about AFP's reporting on the conflict. At a time when there was censorship, both direct as well as indirect, on the local media, our (AFP) reports were well picked up by foreign radio stations, particularly the Sinhalese-language programme of Veritas Radio, which broadcasts from the Philippines. Given the time constraint, Veritas had brief reports on Sri Lanka and the authorities probably felt that their side was not reflected adequately.

The then media minister, A. J. Ranasinghe, had raised this with me. We could provide him with our reports which always provided the balance required by good journalism standards, but we had no control over how our reports were edited by our media subscribers. The same went for Sri Lanka's state media which selectively edited our reports to put us in a bad light with the militants. It can be argued that you must be doing your job well if you are criticised by both sides, but in Sri Lanka, a militarised-terrorised society which is awash with illegal weapons, it could not be dismissed lightly. That is why my bosses took the decision to post me to Afghanistan for a year rather than risk it in Sri Lanka.

2. Media and government

The priorities in Sri Lanka shifted rapidly when the Indian Peace Keeping Force (IPKF) troops withdrew in March 1990. A ceasefire between the Tigers and President Premadasa was short-lived and fresh fighting erupted by June 1990. The government was pre-occupied with renewed fighting in the island's north-east as well as terror attacks elsewhere. The Sinhalese militants had been crushed, but dissension was growing within the government. The then President Premadasa took over the media in a manner that had never been seen in the country. Knowing that viewers tended to switch channels when state television carried lengthy reports on him, the president ordered that even private news networks must simultaneously carry the state-media news reports so that television audiences could not escape him. The crisis came to a head when President Premadasa faced an impeachment motion put forward by two of his senior ministers. But towards the end of 1991 the impeachment was dropped and a badly bruised Premadasa attempted cosmetic changes.

The mainstream media was so subdued that there was hardly any critical debate in the local media. President Premadasa refused to meet foreign journalists, but his senior aides put up a valiant effort to defend him. Premadasa was eventually assassinated in what is widely believed to have been a suicide bombing. When Premadasa's assassination was formally announced in parliament, I was surprised to see the reaction of ruling party legislators. The Sri Lankan culture is such that you do not speak ill of the dead nor do you rejoice in the death of even an enemy, but as leftist legislator Vasudeva Nanayakkara told me at the time, Premadasa's death was an exception. He was seen as an autocratic ruler. His tight grip on the mainstream media had spawned a crop of clandestine underground news sheets. As he was succeeded by his political lightweight prime minister, Dingiri Banda Wijetunga, the reforms that Wijetunga introduced meant these news outlets were in danger of going out of business.

The relatively free era under Wijetunga was short-lived. His successor as President was Chandrika Kumaratunga, whose campaign had been supported by media activists keen on a freedom of information act. But in power she proved a disappointment. Her honeymoon with the media ended very early into her tenure. Under President Kumaratunga, the state security unit came to be known and dreaded as a hit squad for which journalists were often the targets. Kumaratunga's personal bodyguard was held responsible for an organised attack on press photographers who were covering an opposition protest in Colombo and was fined by the Supreme Court.

Her successor, President Mahinda Rajapaksa, came to power promising more media freedom and sweeping reforms, but the escalating fighting between security forces and Tamil rebels meant a bleak period for the press. It was clear that the administration would not tolerate any criticism of its military strategy or tactics.

In June 2008, the defence ministry fired its first salvo against journalists critical of its war against Tamil rebels, labelling them "cowboy defence analysts" and "enemies of the state". In two commentaries published on its website, the ministry also railed against what it said was "crap" being written about the battle against the Tamil Tigers. The controversial offensive in which the LTTE were eventually crushed, was 'no holds barred'. The ministry presented reporters with a stark choice of being either pro-government or pro-terrorist. It said some writers were damaging morale, and warned that the ministry "does not wish to entertain mere doomsayers who always try to undermine the soldiers' commitment." It also warned it would take "all necessary measures to stop this journalistic treachery against the country." "Those who commit such treachery should identify themselves with the LTTE (Liberation Tigers of Tamil Eelam) rather than showing themselves as crusaders of media freedom," the ministry said on its website.

At the end of June 2008, a journalist was attacked and his car smashed as he travelled home after work. Seven months later, in January 2009, the high profile anti-establishment editor Lasantha Wickrematunga was killed as he drove to work.

Up till then, the government was in the habit of referring to Wickrematunga as living proof of press freedom. His death became a symbol for the suppression of free expression in Sri Lanka. Sri Lankan President Mahinda Rajapaksa himself expressed outrage at the killing of Wickrematunga. The president argued that the assassination was aimed at marring the military gains the security forces had been making against Tamil Tiger rebels in the north of the island. But the country's opposition and media activists remained unimpressed.

The slain editor himself had in a recent editorial seen it coming. Wickrematunga said reporters and private media institutions were being targeted partly because of the ineffectiveness of the country's main opposition. "More and more, even as the opposition has fallen mute, independent media institutions have taken on the job of the opposition, serving as a mirror of public opinion," he said in a commentary. "That is why more journalists have been attacked more in recent years than have opposition politicians," Wickrematunga said in the Sunday Leader.¹

Wickrematunga had been editing the paper since founding it in 1994. The Sunday Leader did not support the government's war effort against Tamil rebels to the same wholehearted extent as the state media. An ethnic Sinhalese, the editor had been openly sceptical of military claims. His colleague Manik de Silva, chief editor of the privately-run Sunday Island, noted that Wickrematunga was undoubtedly friendly with the president at one time but had at other times been on the receiving end of angry presidential criticism on the phone. "It would be unfair to blame the killing on Rajapaksa," said de Silva. "But there are various persons in the government with their own agendas and whether any such were party to the killing remains to be seen."²

If the government had no complicity, it was a good opportunity to carry out a thorough investigation and expose the killers and clear its name. That is yet to happen. Six months before Wickrematunga's assassination, the Sri Lanka College of Journalism had asked me to conduct a brain storming session on journalists' safety at work: how to avoid getting beaten up, or worse. By that time, 12 journalists and media workers had been killed in Sri Lanka since 2005.

We invited local police, military and medical personnel to speak on safety and offer tips on how to keep safe. They all agreed that reporting is a very risky business in Sri Lanka, where the long ethnic conflict had created many dangers for reporters. Part of the problem for journalists, said one navy

¹ <http://www.thesundayleader.lk/2010/05/30/the-anaesthetic-of-familiarity/>

² <http://web.archive.org/web/20090113201105/http://blogs.afp.com/>

officer, Commander Mahesh Karunaratne, is that they do not know who their assailants are and how to deal with the danger. "We at least know what the danger is." he told local photographers, cameramen and reporters. "In your case, you don't know from where the threat originates and the worst thing is that you are not prepared."³ Despite all the trials and tribulations, my experience is that the vast majority of senior officers are not predators of the press. The authorities have done them an injustice by not exposing the few who give everyone a bad name.

This brings us to the question who can the journalists trust? Minority Tamil journalists have had even more problems than their Sinhalese colleagues. Racial profiling meant that the authorities often looked at them with even more suspicion. Tamil journalists say they were singled out for "special" scrutiny at security checkpoints despite repeated official pronouncements that there is no discrimination. With the end of armed hostilities in May 2009, and the dismantling of many of the check points set up around the capital city, the situation has in that respect somewhat improved.

3. Legal Position

The state of emergency has been a sword of Damocles for Sri Lankan journalists. The threat of prosecution had been used from the time it was introduced over 35 years ago, but the first high profile prosecution was in 2008. The Tamil editor J.S. Tissainayagam was arrested in March 2008 for his articles in the North-Eastern monthly magazine and accused of inciting people to violence and causing racial hatred. The prosecution was an ominous threat to the freedom of the media. In a highly controversial decision, Tissainayagam was sentenced to 20 years in jail by the High Court. Although he was granted a presidential pardon in May 2010, and the state of emergency has ended, the authorities can still use the draconian provisions of the Prevention of Terrorism Act to arrest and detain suspects, including journalists.

Political parties which championed the cause of the free press have often failed to deliver when they were returned to power. Given the Sri Lankan experience, it is difficult to expect that the current opposition would act any differently if they were to come to power. The main opposition party, the United National Party (UNP) had proposed a freedom of information act but failed to get this law through parliament when they were in power between December 2001 and February 2004.

However, the UNP administration in April 2002 announced the repeal of the criminal defamation provision that had been used by the state against several anti-establishment editors who were handed down jail terms which had been suspended for long periods. The Colombo High Court had sentenced Lasantha Wickrematunga, the editor of the anti-government Sunday Leader newspaper, to two years imprisonment suspended for five years for an article he published in September 1995.

The editor of another weekly, Sinha Ratnatunga of the Sunday Times, was convicted on charges of criminally defaming the president in July 1997 and given a one-year jail term, suspended for seven years.

I may have narrowly escaped the criminal defamation law myself. It was a year after the law was repealed when defence minister Tilak Marapone threatened to sue me for LKR 500 million (USD 5.15 million). AFP had picked up and expanded on a local media report that the minister staged a ritual to exorcise evil spirits. The minister was angered by the report and wanted to sue, but he dropped the case. He lost his job less than a year later.

The repeal of the criminal defamation laws has not meant an easy time for the media in Sri Lanka. The UNP administration which abolished them had also promised to do away with the Press Council Act. The Press Council is a quasi-legal body with the power to muzzle the press. The Act allows the state to impose censorship and shut down media organisations. But the move to repeal the Act has not gone through parliament, and the government has once again revived the Press Council.

³ Views expressed at a Hostile Environment and Journalists' Safety course, at the SLPI, in Colombo, July 2008.

Parliamentary privilege of legislators is something that has been both a useful tool for the media and at the same time it has been used against editors. The Sri Lankan parliament has sat as a court and found editors guilty of violating parliamentary privilege while journalists could also sometimes use the very same privilege to report on matters that would otherwise attract law suits. Questions raised by legislators as well as anything said on the floor of the House (unless expunged by the Speaker) can be published without attracting defamation suits.

4. Foreign versus Local Media

Sri Lankans are generally friendly and well disposed towards foreigners, but the fighting between government forces and separatist Tamil Tiger rebels appears to have encouraged a degree of xenophobia which is also reflected in the local media, particularly the hard-line nationalistic media.

Many hard-line nationalists blame the West and the international media for supporting or siding with the Tamil Tiger separatists. Criticism of the West has been seen as a popular move, helpful in garnering votes of the Sinhalese majority. Attacking the international media has become very much a part of that strategy.

Despite accusing the foreign media of bias, the Sri Lankan government had brought out several volumes of press clippings from the international press about the atrocities of the Tamil Tigers, especially the recruitment and use of child soldiers and the deployment of suicide bombers.

I have also noticed many times that when the mainstream Sri Lankan press found it difficult to publish news on controversial issues, they would choose to reproduce foreign media reports in the hope that they could “shift the blame” to the international media if the authorities took exception to the reports. This is probably why there is a perception, at least among some bureaucrats, that the international media is only highlighting the negatives in the country. Some local newspapers have launched virulent attacks against foreign correspondents based in the capital Colombo as well as abroad. The polarisation in the country was also reflected in the media. However, some private media organisations and even some of the state-run outlets managed to maintain a commendable degree of objectivity in extremely difficult circumstances.

The government did not allow free access for the international media during the final stages of its battle against the Tamil Tigers. “A war without witnesses” is how Sri Lanka’s battle came to be known outside the country. This policy of keeping out the foreign press and consistently denying them access to the conflict zone has come to haunt the government as it grapples with allegations of war crimes and crimes against humanity.

The government’s own Lessons Leant and Reconciliation Commission (LLRC) which looked at the final stages of Sri Lanka’s separatist war heard that the policy of keeping the international media out of the conflict zones in the island’s north-east may have been highly counter-productive. “The government should ensure the freedom of movement of media personnel in the North and East, as it would help in the exchange of information contributing to the process of reconciliation,” the LLRC said in its recommendations. It also called for right to information legislation. Sri Lanka is coming under intense international and local pressure to implement the LLRC recommendations. It is to be seen if the government will have the courage to go ahead with it.

When ruling party legislators met for a workshop and discussed public relations in March 2012 at the hill resort of Diyatalawa, lawmakers resolved that they would have better rapport with the international media. This appears to be an immediate response to allegations abroad that Sri Lanka is responsible for war crimes while crushing Tamil rebels. After repeatedly accusing Britain’s Channel 4 of fabricating an “execution video” showing alleged Sri Lankan troops executing Tamil prisoners, Sri Lankan authorities have now begun probing the video.

5. Professional standards and media training

Journalism is not recognised as a profession in Sri Lanka, but the media industry has taken the first steps towards ensuring professional standards by introducing the Sri Lanka Press Institute (SLPI) nearly 10 years ago.

The Sri Lanka College of Journalism (SLCJ) which is under the SLPI umbrella has been conducting diploma courses and providing recruits to the media industry. However, with the escalation of attacks against journalists and the poor salaries offered, there appears to have been a decline in the number of youngsters keen to enrol for training. While there are many senior journalists who are thorough professionals, there has been a dearth of talent at entry and mid-levels.

As an independent member of the panel of jurists for Excellence in Journalism awards (organised by the Editors' Guild of Sri Lanka) I have noticed an appreciable improvement in the number of entries and the quality of published material.

One of the areas where there is a visible improvement is photo journalism. Many appeared to have benefitted from exposure to the work of the best photographers across the world and have clearly demonstrated their skills as top press photographers. This could also be partly due to the mid-career training undertaken by the Sri Lanka College of Journalism as well as the healthy competition among print media outlets in the country.

While most of the newspapers in Sri Lanka have invested heavily in new technology, the amount of money they spend on training and refresher courses for their staff could be a small percentage of their total budget or none at all. The high cost of news print (sometimes the state uses taxes on news print as a tool to pressure the media) and stagnant advertising rates may not encourage spending on training, but I trust this is an area that the seniormost editors are concerned about.

Closer cooperation and exchange programmes with international media organisations and training outfits could help the Sri Lankan media, which is making a transition from an era of conflict to peace and reconciliation after nearly four decades of ethnic bloodshed.

Foreign journalists posted to Sri Lanka as well as Sri Lankans working for the international media have often been trained to cope in hostile environments, but there are no such mechanisms for those in the local media. There have been no studies to identify Post-Traumatic Stress Disorder among Sri Lankan journalists who covered the conflict as well as the dreadful events following the December 2004 tsunami which claimed over 30,000 lives.

Following the end of the fighting in May 2009, Sri Lanka has been recording high economic growth rates and the country wants to double its GDP per capita income to 4,000 dollars by 2014, but the media industry may not have kept pace both in terms of increasing its audience and raising the economic circumstances of its employees.

Sri Lanka's media is basically divided into two camps, the state-run and the privately-owned news outlets. Within the private media, there are competing and conflicting political and business interests which dictate their news agenda. However, to their credit they have largely supported the industry-run Press Institute and the College of Journalism. This is clearly an area where the entire Sri Lankan media can come together to improve the professional standards of their staff. I have noticed employees from all these media organisations applying for scholarships and learning opportunities abroad and this high level of participation should augur well for the industry.

6. New Challenges

With Sri Lanka's war against Tamil Tigers over, the battle lines shift overseas, as Colombo struggles to defend itself against charges of war crimes. This brings new challenges to the local and Colombo-based foreign media. The authorities had taken a dim view of any foreign journalist making a critical analysis of the final stages of the conflict and the black-balling of Britain's Channel 4 is a just one example.

Senior Sri Lankan diplomats privately agree that the government may have mishandled the post-war developments and a more accommodating stance would have actually helped Sri Lanka's cause. However, a report by Sri Lanka's own version of a war probe, the Lessons Learnt and Reconciliation Commission (LLRC) has somewhat taken the pressure off the press. For the first time, the LLRC has acknowledged that civilians had been killed as a result of military action and called for an "independent" probe into specific allegations of rights abuses.

The suppression of the mainstream media may have also backfired on the Sri Lankan state. With little or no space for dissent, the alternate views have found a cosy niche on the Internet and spawned a crop of websites. Like the underground newsheets during president Premadasa's rule, the dissident websites are having a good run. Attempts by the telecommunications regulator to block access to them from Sri Lankan Internet Service Providers have only boosted their popularity. Some of them have blurred the line between facts, comment and gossip. Unfortunately, that is a price the authorities must pay for not tolerating home-grown dissent.