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## இலங்கை பத்திரிகை முறைப்பாட்டு ஆணைக்குழு

### Press Complaints Commission of Sri Lanka

# e-Newsletter

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Website: [www.pccsl.lk](http://www.pccsl.lk)

E-mail: [pccsl@pccsl.lk](mailto:pccsl@pccsl.lk)

Tel: +94 115 353635

Fax: +94 115 335500

## ***Independent on Sunday* Editor defends using images of dead Syrian children**

The editor of the *Independent on Sunday* has defended his decision to publish graphic pictures of dead Syrian children killed in the Houla region on Friday.

John Mullin said he had a responsibility to use the harrowing images – which appear to show the badly beaten bodies of at least nine dead children laid side by side – despite strict Press Complaints Commission (PCC) guidance on the potential intrusion into grief and shock.

“The images were of such awful proportion that they spoke not just 1,000 words, but 2,000 words, 10,000 words and I wanted immediately to use them; I felt we had a responsibility to use them in fact,” Mullin told BBC Radio 4’s *The World at One* programme on Monday.

Mullin said it was almost unprecedented for several national newspapers – including the *Independent on Sunday* and later editions of the *Observer* and *Mail on Sunday* – to publish such disturbing images. The PCC said it had received only one complaint about the pictures as published by the *Mail on Sunday*.

The *Independent on Sunday* editor said he printed the pictures on page three rather than on the front page to avoid distressing children. The paper carried the front-page headline “Syria. The world looks the other way. Will you?” over the stand first: “More than 90 people were massacred in Houla late on Friday, 32 of them children under the age of 10. Many had their throats cut. Mullin said when he first saw the pictures he knew they were a “game changer” and would pressure the United Nations to intervene in the Syrian conflict.

“The whole point about these pictures is that they are a challenge to the international community and I wanted to make them as well a challenge to our readers,” he added.

“I think the footage on YouTube and these pictures has clearly had a major impact and galvanised the international community.”

The UK PCC advises editors to handle sensitively images that can intrude into grief or shock. (Courtesy: *The Guardian*- May 29, 2012)

## **World Press Freedom Day marked with panel Discussion**

The World Press Freedom Day – May 03 was marked with a panel discussion organised by the Sri Lanka Press Institute.

The panel discussion was held under the theme, ‘Media Freedom Helping to Transform Societies’ which is also the theme of the global media freedom day celebrations.

The Discussion took place under the participation of a panel of veteran journalists and senior media professionals who included the chairman of the Sri Lanka Rupavahini Corporation- Mr. Mohan Samaranayake, representative of the Editors’ Guild of Sri Lanka- Mr. Rajpal Abeynayake, representative of the South Asia Free Media Association- Mr. Lakshman Gunasekara, representative of the Sri Lanka Working Journalists Association- Mr. Ranga Jayasuriya and representative of the Free Media Movement- Ms.

Dileesha Abeysundara. The discussion was moderated by Mrs. Champika Liyanaarachchi- Editor, Daily Mirror.

The discussion concentrated on the issues of practicing media freedom in nationally and globally emphasizing on the emergence, impact and the expansion of new media in the modern world.

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# New Defamation Bill to protect freedom of speech

Freedom of speech will be given more protection and the libel law reformed in England and Wales, it has been announced in the Queen's Speech – May 09, 2012.

Claimants will have to show they have suffered serious harm before suing for defamation, under the Defamation Bill.

It is understood the bill is intended to ensure a "fair balance" between freedom of expression and protection of reputation.

The presumption in favour of a jury trial will also be removed.

Currently, a person suing for defamation does not have to prove the words they are complaining about have caused them actual damage, it is enough for the courts that they might.

According to the Ministry of Justice, the new bill will also ensure the threat of libel proceedings is not used to "frustrate robust scientific and academic debate".

There will be a defence for the media of "responsible publication on matters of public interest".

The bill will provide greater protection to operators of websites hosting user-generated content, as long as they complied with the necessary procedure to "resolve any dispute" directly with the author of the material concerned.

The draft bill, published in March last year, also aims

at addressing "libel tourism" by tightening the test to be applied by the courts in relation to actions involving people who are not domiciled in the UK or EU member states.

The Conservatives, Labour and the Lib Dems all committed themselves to reviewing libel law in their election manifestos.

## 'Public interest'

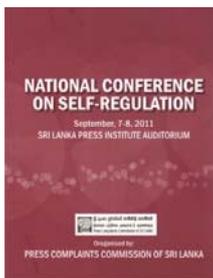
The Libel Reform Campaign, made up of Index on Censorship, English Pen and Sense About Science, welcomed the announcement but said there was "still work to be done".

A spokesman for the campaign, which has been demanding the legislation since 2009, said the bill would pave the way to end libel tourism and protect free expression for journalists, writers, bloggers and scientists around the world.

Sense About Science managing director Tracey Brown said: "This opens the way to developing a law guided by public interest not powerful interests."

Cardiologist Dr Peter Wilmshurst, who was sued by an American medical device company, said: "Patients have suffered because the draconian defamation laws were used to silence doctors with legitimate concerns about medical safety." (Courtesy: BBC)

## New Publications



### National Conference on Self Regulation

The National Conference on Self Regulation Report is available on request. The 108 page book contains the proceedings verbatim Hansard-style and is published in connection with the

first National Conference on Self-Regulation organized by the Press Complaints Commission of Sri Lanka and was held on September 07 and 08, 2011 in the Auditorium of the Sri Lanka Press Institute.

### Source book launched

Copies of the Sri Lanka Press Institute's Source Book (3rd Edition) is available at Rs. 500 a copy at the SLPI. For details call Tel: 5353635. The book was launched on May 03 at the SLPI.



The PCCSL met Dr. A. T. Ariyaratne, Founder, President of the Sarvodaya Shramadana Movement and held discussions on holding awareness programs at the Sarvodaya Centres islandwide on the PCCSL process in resolving complaints and the Code of Professional Practice. Discussions were also held on the LLRC Report with special reference to one of the recommendations – Right to Information Act. Here Dr. Ariyaratne talks to PCCSL CEO Sukumar Rockwood and Publicity Officer Kamal Liyanarachchi.

# Code of Professional Practice

## 08. HARASSMENT and SUBTERFUGE

8.1: Journalists, including photo-journalists, must not seek to obtain information or pictures through intimidation or harassment or by misrepresentation or subterfuge. The use of long-lens cameras or listening devices must also not be used unless this can be justified in the public interest and the material could not have been obtained by other means.

## 09. DIGNITY

9.1: Every journalist shall maintain the dignity of his or her profession.

### INTERPRETATION

'Public Interest' means;

1: i. Protecting democracy, good governance, freedom of expression and the fundamental rights of the people and of keeping them informed about events that would have a direct or indirect bearing on them, and that of their elected government, and detecting or exposing crime, corruption, maladministration or

a serious misdemeanor;

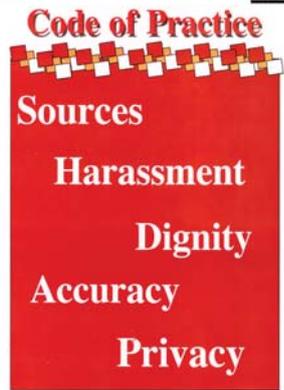
ii. Protecting public health and security and social, cultural and educational standards;

iii. Protecting the public from being misled by some statement or action of an individual or organisation.

2: In any case where the public interest is involved, the Press Complaints Commission will be entitled to require a full explanation by the Editor and/or journalist demonstrating how

the public interest was served.

Editors Guild of Sri Lanka



### Support of the Code

The Code of Professional Practice is supported by the following organizations in Sri Lanka:

- The Newspaper Society of Sri Lanka
- Free Media Movement
- Sri Lanka Working Journalists Association
- Sri Lanka Press Institute
- Sri Lanka College of Journalism
- Sri Lanka Tamil Media Alliance
- Sri Lanka Muslim Media Forum
- Federation of Media Employees Trade Union
- South Asian Free Media Association (SAFMA) – Sri Lanka Chapter

### ONLINE PUBLICATIONS

The provisions of this Code will also apply to the Online publications of the print media.

### REVIEW

The Editor's Guild of Sri Lanka shall review the provisions of this Code from time to time, in consultation with a Code Committee comprising of members, and non-members appointed by The Guild.

## National Media Summit

The second "National Media Summit", organized by the Department of Mass Communication of the University of Kelaniya was held on May 24 and 25, 2012 in the Board Room of the Faculty of Social Sciences, University of Kelaniya.

The National Media Summit organized by Prof. Rohana Luxman Piyadasa, Head, Department of Mass Communication, University of Kelaniya attracted 80 participants who are lecturers in Mass Communication in the nine universities spread out over the country.

The Summit was divided into five sessions with each session tackling one theme. The five themes were; School Curricular of Communication and Media Studies and its Challenges, Role of Mass Communication Graduated and Challenges, Contemporary Media Issues, Expansion of New Media and Policies of Sri Lanka and Discussion of Future Plans of University of Mass Communication Lecturers' Association.

### Board of Directors PCCSL

Mr. Kumar Nadesan (Chairman), Mr. Nimal Welgama, Mr. Sinha Ratnatunga, Mr. Manik de Silva, Mr. N. M. Ameen, Ms. Seetha Ranjane, Mr. Siri Ranasinghe, Mr. Sundara Nihathamani de Mel, Mr. G. Koththigoda and Prof. Ajantha Hapuarachchi.

### PCCSL Secretariat

Mr. Sukumar Rockwood, CEO and Complaints Officer English Print Media, Mr. Kamal Liyanaarachchi Complaints Officer Sinhala Print Media and Mr. Ameen Hussain Complaints Officer Tamil Print Media.

The Press Complaints Commission of Sri Lanka was invited as an observer.

Here the participants pose for a group photograph.



## 249 APPLY FOR JOURNALISM AWARDS 2011

April 25, 2012 marked the closing date of receiving applications for the Journalism Awards for Excellence 2011. In all there were 249 applications from 12 publishing houses for the 14 categories.

The 10-member Panel of Judges led by Dr. Tudor Weerasinghe and comprising senior journalists and columnist said that they had a tough time in some categories to find winners but observed that most journalists had recognized the importance of the Journalism Awards for Excellence Programme as a standard measuring their professionalism which motivated them to achieve higher levels of creativity and efficiency rather than winning another ward.



Journalists applied for the following categories:

1. Mervyn de Silva Journalist of the Year
2. Scoop of the Year
3. Investigative Journalist of the Year

4. Best Environmental Reporter of the Year
5. Subramaniam Chettiar Award for Reporting on Social Issues
6. Sports Journalist of the Year
7. Denzil Peiris Young Reporter of the Year
8. Photojournalist of the Year
9. Best Designed Newspaper of the Year
10. Cartoonist of the Year
11. Prof. K. Kailasapathy Award for Reporting Under Special Circumstances
12. Upali Wijewardene Feature Writer of the Year (S/T/E)
13. Business and Finance Journalist of the Year (S/T/E)
14. B. A. Siriwardena Columnist of the Year (S/T/E)

The following Awards will be nominated by The Editors' Guild of Sri Lanka.

- Sepala Gunasena Award for Defending Press Freedom of Sri Lanka
- D. R. Wijewardene Award for earning the Appreciation of Peers and the Public
- Life Time Achievement Awards for Long and Distinguished Service to Journalism in Sri Lanka (five)

The glittering annual get together of the journalist fraternally will take place in the Empire Ballroom of the Mt. Lavinia Hotel on Tuesday, July 31, 2012 at 7 pm.

### UK-PCC upholds complaint against local paper over front-page report of death

The Press Complaints Commission of UK has upheld a complaint under Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice, following a front-page report about the death of a local man who had taken his own life. The PCC's critical adjudication has been published today in the *Herald & Post* (Luton) with a front-page trail, which has been agreed in advance with the PCC.

The complainant was the civil partner of the deceased man, Mr Amet Mohabeer. At the time of his death a few days before publication, Mr Mohabeer had been facing sexual assault charges. The complainant said that as Mr Mohabeer had pleaded not guilty to the charges, the use of the term 'pervert' in the headline was insensitive and inaccurate. He also raised concerns under Clause 1 (Accuracy) of the Code about the newspaper's claim that Mr Mohabeer was due in court to enter a plea a few days after his death: in fact, Mr Mohabeer had already pleaded not guilty. The *Herald & Post* acknowledged that the reference to the date of the court date was inaccurate, and published a front-page correction and apology on this point on receipt of the PCC complaint. Although it amended the headline to the online article, it did not believe that the use of the term 'pervert' in this context breached Clause 5.

The Commission made clear that the newspaper was entitled to report the allegations against Mr Mohabeer and the existence of the criminal case in the context of his death; Clause 5 is not intended to restrict the right to report le-

gal proceedings. However, it does set out that "publication should be handled sensitively", and this principle was the main test for the Commission. Given that Mr Mohabeer had been contesting the sexual abuse charges and had not been convicted of any crime at the time of his death, the use of the term 'pervert' (which it said was "clearly a pejorative and colloquial term") was "unacceptable and gratuitous". The presentation of the article so soon after the death "constituted insensitive publication" under the terms of Clause 5; the complaint under this part of the Code was therefore upheld.

The complaint under Clause 1 (Accuracy) was judged to raise a technical breach of the Code, but the published correction and apology represented a sufficient form of remedial action. The newspaper was not censured on this point.

Stephen Abell, Director of the PCC, commented: "This case is an important contribution to the Commission's case law, which sets out specific standards expected of journalists. Reporting death can be a difficult area, with a need for balance between the right of the public to be informed and the need to protect those personally affected by it. This ruling by the Commission sets down an important marker in reminding editors and journalists that, whatever the circumstances of a particular story, the Commission will always expect publication to be handled sensitivity".

(Courtesy: UK-PCC)

## UK-PCC upholds complaint against *Daily Record* after publication of photograph of dead man

The Press Complaints Commission of UK has upheld a complaint against the *Daily Record* after it published a photograph of the body of a man - who had died in a road traffic accident the day before - in the vehicle in which he had died.

The man's wife complained that the photograph was graphic (it clearly showed the man's injured face) and had caused severe shock and upset to her family. The newspaper apologised immediately and unreservedly to the family, explaining that it had not realised that the image had included the deceased man. It took a number of steps to attempt to remedy the situation: it issued new rules to its picture desk and production staff regarding the use of photographs with graphic content to ensure the error would not happen again; it published a page 2 apology (the wording of which was negotiated via the PCC and agreed with the family); and it offered to meet the complainant so that the editor could apologise in person.

The Commission found a clear breach of Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice. It ruled that the publication of such an explicit image so soon after the death did not meet the Code's requirement on handling publication sensitively. Although the Commission acknowledged that the publication of the photograph was inadvertent, and that the newspaper's response had been "appropriate and responsible", it ruled that the breach "was not capable of remedy". It upheld the complaint as a result.

Charlotte Dewar, Head of Complaints and Pre-publication Services said: "Clause 5 of the Editors' Code is designed to protect people when they are at their most vulnerable. This case illustrated how a failure to ensure sensitive handling in the report of a recent death - however inadvertent - can cause serious pain to those involved. As the Commission recognised in its ruling, once this has happened it can be very difficult or even impossible to remedy the harm done".  
(Courtesy: UK-PCC)

### Right of Readers

When a newspaper carries the Right of Readers Public Notice it informs the reader that the newspaper concerned upholds the Code of Professional Practice to which all journalists adhere to as a step towards a socially responsible media.

The PCCSL encourages all newspapers to carry the Public Notice which is reproduced below:



**ශ්‍රී ලංකා පුවත්පත් පැමිණිලි කොමිෂන්**  
இலங்கை பத்திரிகை முறைப்பாட்டு ஆணைக்குழு  
Press Complaints Commission of Sri Lanka

## Rights of Readers

The Editors and journalists of the following newspapers respect the "Rights of Readers" and endeavour to follow the Code of Professional Practice of The Editors' Guild of Sri Lanka, which is implemented by the Press Complaints Commission of Sri Lanka.

If you have a grievance against any of the following newspapers, you are welcome to contact them directly and they will strive to provide redress to you.

If you are not satisfied, you could complain to:  
**The Press Complaints Commission of Sri Lanka (PCCSL)**

**For further information contact**  
96, Kirula Road, Colombo 5  
Tel: 5353635 Fax: 5335500  
E-mail: [pccsl@pccsl.lk](mailto:pccsl@pccsl.lk) Web page: [www.pccsl.lk](http://www.pccsl.lk)

