

16<sup>th</sup> March, 2017

**Conviction of Malaysian Activist Ms. Lena Hendry  
for screening a human rights film about Sri Lanka**

We, the undersigned Sri Lankan citizens and organizations, strongly condemn the conviction of Malaysian activist Ms. Lena Hendry for screening a film dealing with allegations of war crimes in Sri Lanka.

Lena Hendry, in her capacity as a staff member of the Malaysian human rights organization Pusat KOMAS (Community Communications Centre) at that time, held a private screening of the documentary “No Fire Zone: The Killing Fields of Sri Lanka” on 3 July 2013 in Kuala Lumpur. Halfway through the screening, officials from the Home Ministry, Immigration Department, and the police arrived at the venue and stopped the screening. Three KOMAS representatives, including Lena Hendry, were arrested and detained overnight. Lena was then charged with violating section 6(1)(b) of the Film Censorship Act of 2002 and convicted on 21 February 2017 by the Kuala Lumpur Magistrate’s Court for the “circulation, distribution, display, production, sale hire or possession” of film material that the government-appointed, Board of Censors has not approved.

The provisions of the Act are broad and effectively criminalize any form of film circulation or display of any film which has not been approved by the Film Censorship Board. Imposing penalties for the screening of a human rights documentary is a clear violation of freedom of expression. The requirement to obtain permission for screening amounts to prior censorship and hampers the right of society in general to seek and receive information and ideas.

KOMAS had frequently screened films in Malaysia dealing with human rights issues in other countries. The Sri Lankan government of that time, under President Rajapakse, was directly behind the effort to stop the screening of this film. But the film has never been banned in Sri Lanka and the Sinhala version has been made freely available online.

A Presidential Commission of Inquiry that was appointed by former President Rajapakse and continued its work under the present President Sirisena (Paranagama Commission) concluded that images depicted in the films contain "credible allegations" and that they "provide enough material to form a reasonable basis to believe that war crimes may have been committed, warranting an investigation" (para 422 and para 425). A previous Presidential Commission of Inquiry also appointed by President Rajapakse (Lessons Learnt and Reconciliation Commission) recommended that "the Government initiate an independent investigation into this matter (previous channel 4 films, images of which are also contained in "No Fire Zone") to establish the truth or otherwise of the allegations arising from the video footage" (para 4.375).

We call on the Malaysian courts to overturn the conviction against Lena and for the Malaysian authorities to stop persecuting Lena and drop all charges against her. We also urge the Malaysian Government to drop all charges against other activists charged under repressive laws that have been used to stifle dissent and repeal excessive, disproportionate, and vaguely drafted laws which violate the right to freedom of expression, such as the Film Censorship Act, and ensure that any laws are in line with international human rights laws and standards.

We also appeal to the Sri Lankan Government to formally request the Malaysian authorities to stop the persecution against Lena. In particular, indicating that the present Government stands for free expression and open dialogue and the examination of allegations about crimes committed during the war, and that the film has never been banned in Sri Lanka.

[Note: *The statement has been endorsed by 7 Sri Lankans organizations and 88 citizens, including film makers, artists, academics, lawyers, clergy and human rights activists. Full list of signatories available at <https://ihrdc.files.wordpress.com/2014/08/conviction-of-lena-hendry-statement-from-sl-16-march-2017-en.pdf>*]

## **Signatories; Individuals**

1. A Jone Bosco
2. A. Rakunathan
3. A.V. Lasath Charaka
4. Angelica Chandrasekeran - Teacher
5. Annemari de Silva
6. Anushaya Collure
7. B. Gowthaman
8. B. Mathana
9. Balasingham Skanthakumar - Researcher, Social Scientists Association (SSA)
10. C. Remina
11. Chandraguptha Thenuwara - Senior Lecturer, Faculty of Visual Art & President, Arts Council of Sri Lanka
12. Chintaka Rajapakse
13. Damith Chandimal
14. Deekshya Illangasinghe
15. Dominic Premananth
16. Dr. Ashoka Karunarathna
17. E. Soosaithasan
18. E.Mariathas
19. G. Gamage
20. G.Malarnesan
21. G.S Lakshan J.S Dias – Attorney-at-Law & Convener/Secretary, Christian Rights Front
22. Harean Hettiarachchi
23. Herman Kumara
24. Jake Oorloff - Artist
25. K. Aingkaran - Attorney-at-Law
26. K. Issadeen
27. K. Kokulan
28. K. M. Nimal
29. K. Pathmanathan
30. K. Shanthi
31. K. S. Ratnavale
32. Kusal Perera - Journalist
33. L. Subajini
34. Lakmali Hemachandra – Attorney-at-Law
35. Lucille Abeykoon
36. Luwie Niranjan
37. M.G. Priyantha
38. M.K. Jayatissa
39. Marisa De Silva
40. M.B. Hakeem
41. Mohommed Razuk
42. Mujeebur Rahman P.M. - Journalist and Human Rights Activist
43. N. Charles
44. N. Sukirtha
45. Nalini Ratnarajah - Human Rights Activist & Documentary Film Maker
46. Nilshan Fonseka
47. Niranjala Arulnandhy - Centre for Human Rights and Development (CHRD)
48. Nirooparaj Balachandran - Rights Activist
49. P. Sasikaran
50. P. Somasiri
51. P.N. Singham
52. P.S. Anton
53. Paikiasothy Saravanamuttu - Executive Director, Centre for Policy Alternatives (CPA)
54. Parakrama Niriella - Film and Theatre Director
55. Philip Sethunga
56. Priyalal Sirisena - Attorney-at-Law
57. R. M. Gunawardana
58. R. Raguraj
59. R.M.H.B. Rathayalu
60. Rev. Fr. Ashok Stephen – Director, Centre for Society and Religion (CSR)
61. Rev. Fr. Nandana Manatunga
62. Rev. Fr. Reid Shelton Fernando
63. Rev. Fr. Rohan Dominic, CMF
64. Rev. Fr. Rohan Silva, OMI
65. Rev. Fr. Terence Fernando
66. Rev. Sr. Beatrice Fernando
67. Ruhanie Perera - Artist
68. Ruki Fernando
69. S. Jeyam
70. S.W. Suwendran
71. Sampath Pushpakumara
72. Sampath Samarakoon
73. Sandun Thudugala - Activist
74. Sarala Emmanuel
75. Shenali De Silva
76. Shreen Abdul Saroor - Women's Rights Activist
77. Subha Wijesiriwardena - Theatre Artist, Writer, Activist
78. Sumathy Sivamohan – Film-Maker
79. Sunil Wijesiriwardena
80. Suren D. Perera
81. T. Thayanandan
82. Thenu Ranketh
83. Thiyagaraja Nirosh
84. Tilak Manage
85. Udaya Kalupathirana - Human Rights Activist
86. Ven. Samuel J. Ponniah
87. W.F.P. Costa
88. Yves Bowie - Musician

## **Organizations**

89. DecentLanka2015
90. Floating Space Theatre Company
91. Human Rights Office, Kandy
92. INFORM Human Rights Documentation Centre
93. Law & Society Trust (LST)
94. National Fisheries Solidarity Movement (NAFSO)
95. Venasa Transgender Network