

Sunday Leader journalist Arthur Wamanan granted bail



Sunday Leader journalist Arthur Wamanan was yesterday granted bail by the Mount Lavinia Chief Magistrate who reprimanded the CID saying arrests of this nature created a bad precedent besides being a threat to media freedom. Chief Magistrate Ayeshani Jayasena remarking on the manner in which the journalist was arrested and detained by the CID said the media could not be excluded from what was happening in country.

“Media are there to report what is happening in society. Just because some people are embarrassed by a news report, the media must not be subjected to restriction,” the Judge observed.

She said if people were arrested merely on the basis of a telephone call it would definitely create a dangerous precedent and warned the CID not to blow up a small matter into something big. The Chief Magistrate made this observation when the CID produced Mr. Wamanan in court with an application to remand him.

Filing a report, CID Superintendent A.M.S. Abeysinghe said it was a complaint by a Minister regarding a telephone call he had received. He said further investigations had to be carried out to find out whether local and international influences were behind the incident. The CID said the suspect was a Tamil and objected to granting bail saying there would be a public outcry if the suspect was granted bail.

At this stage the Chief Magistrate inquired from the CID whether the arrest was made merely because of a telephone call supposed to have been received by the complainant. To this the CID said yes. The defence counsel told court the telephone call was only made to ascertain whether the 87,000- rupee mobile phone bill of Minister Mano Wijeratne’s wife was paid by the National Gem and Jewellery Authority.

He said the information was first received by Attorney-at-Law Dilruskhi Handuneththi a senior journalist of the Sunday Leader newspaper and it was she who had directed Mr. Wamanan to follow it up. When Mr. Wamanan first tried to contact Minister Wijeyeratne using the newspaper’s land phone the Minister had not answered but he was later instructed to contact the Minister using the journalist’s mobile phone.

At the time the call was made Ms. Handuneththi was with Mr. Wamanan and nothing about any ransom was mentioned. She submitted an affidavit to court in this regard.

This happened last Thursday but Minister Wijeyeratne made the complaint on Sunday when the story appeared in the newspaper. The counsel said the arrest was merely on a complaint based on hearsay. He informed court that if this trend of arresting people on complaints about telephone calls continued it would create a dangerous situation regarding freedom of expression.

"If the journalist was not granted bail today it would sound the death knell of the freedom of expression," he said. He strongly objected to the journalist's ethnicity being cited by the CID as a reason not to grant bail. "As a Sinhalese I am ashamed of being called a Sinhalese if the CID was objecting to enlarge him on bail merely because he is a Tamil" the counsel said and added that a public outcry would occur not if the journalist was released on bail but if bail was refused.

Having considered the submissions by both parties, the Chief Magistrate Ayeshani Jayasena said the arrest was merely based on a hearsay statement. She inquired from the CID as to how a public outcry would be created just because the journalist was granted bail. She also questioned whether the media could be obstructed from reporting what is happening in the country.

"Even I can't stop a journalist from reporting what is happening in courts. The court is not property I have inherited from my parents," the Magistrate said. She observed that the media should be free and reporting objectively and said when a person was detained it should be just and fair.

"The decision to remand a person is decided not by the police but by the courts. Not only do complainants have rights. Suspects too have their rights whether one is big, small, and influential or not. Before the law everybody is equal. With regard to this case there is nothing much to interrogate by keeping the person in remand. The police can continue their investigation and if there is any outside influence they can come to court," the Magistrate said.

The court granted bail in two sureties of Rs 100,000 each and put off the case for November 30.

Meanwhile Sunday Leader Editor Lasantha Wickrematunge told the media that both fundamental rights and criminal cases would be initiated against Minister Mano Wijeyratne with regard to his attempts to divert attention from allegations of malpractice against him by making complaints against the journalist.

Counsel Nalin Ladduwahetti instructed by G.G. Arupragasam appeared for Arthur Wamanan.