



**International Press Freedom and
Freedom of Expression Mission to the Maldives**

**A Vibrant Media Under Pressure:
An Independent Assessment of Press
Freedom in the Maldives**

July 2006

Contributing Organisations:

**Article XIX
Reporters without Borders (RSF)
International Media Support (IMS)
International Federation of Journalists (IFJ)
South Asia Press Commission (SAPC)**

The findings in this report are based on a
joint assessment mission to the Maldives in May 2006

Table of Contents

- Executive Summary
1. Introduction
 2. Background and Media Landscape
 3. Intimidation and Harassment
 4. House Arrest and Detention
 5. Media Law Reforms
 6. Recommendations

Acroymns and Terminology

AP	Justice Party/ Adaalath Party
Dhivehi	Official language of the Maldives
DRP	Dhivehi Raiyyethunge Party (Maldivian Peoples Party)
HRCM	Human Rights Commission of the Maldives
IDP	Islamic Democratic Party
Majlis	Parliament/ Assembly
MDP	Maldivian Democratic Party
MNDF	Maldivian National Defence Force
MP	Member of Parliament
NSS	National Security Service of the Maldives
SAARC	South Asian Association for Regional Cooperation
Special Majlis	Constitutional Parliament/ Assembly
UNDP	United Nations Development Programme
UNHCHR	United Nations Office of the High Commissioner for Human Rights

This report is being made publicly available in the interests of sharing information and enhancing coordination amongst freedom of expression, press freedom and media support actors. All information presented in this report is based on interviews and written contributions provided to the mission members during April and May 2006 and should be independently rechecked by any party seeking to use it as a basis for comment or action.

The mission team welcomes all feedback and suggestions from organisations or individuals about the report, which can be sent to the participating organisations (please see contact details at the end of the report).

Executive Summary

From 3 to 7 May 2006, the International Press Freedom Mission – an independent group of international organisations working to promote international standards on press freedom and freedom of expression – undertook a fact-finding mission to the Maldives.

The Mission met with high officials of the government, including the Attorney General and the Information Minister, media community (including journalists working in opposition, pro-government and government-owned media), civil society, detained journalists, the Human Rights Commission and diplomats.

The Mission found clear examples of harassment, intimidation and attacks against media practitioners and dissenting voices in the country. However, the Mission also observed the opening up of the freedom of expression space and a growth in independent media over the past 18 months. In this regard, despite pressure and restrictions, journalists have exercised their rights to inform the Maldivian public and thereby increased freedom of expression in the country. Steps taken by the government to relax restrictions, such as procedures for licensing and registration of private publications, have also contributed to the creation of a more liberal environment, although more remains to be done.

Although the government is taking steps to improve the press freedom environment in the country through the “roadmap” for the reform agenda, the proposed draft Bill on Press Freedom fails to meet international standards on freedom of expression. The Mission’s analysis of the draft Bill shows that the restrictions on freedom of expression are too broadly and vaguely worded and therefore can be easily abused for political purposes. The draft Bill proposes a number of media crimes and fails to provide sufficient protective measures for freedom of the media. In this regard, the Mission offered its expertise in assisting the redrafting process for the Press Freedom Bill, as well as the other pieces of pending draft legislation relating to the media and freedom of expression.

The Mission also welcomed the statement by the Information Minister that the government intends to transform *TV Maldives* and the *Voice of Maldives* into public service broadcasters and offered its expertise on how to ensure that this becomes a truly independent entity. The current control of the state-owned media by the authorities does not ensure adequate editorial independence and balanced reporting.

The Mission found numerous cases of arbitrary arrests, detention, harassment and intimidation of media practitioners. Journalists covering political and social events and demonstrations, as well as the participants in those demonstrations, have been the victims of excessive use of force by the security forces. In all such cases, the security forces have acted with impunity for their actions. The Mission also recorded cases of death threats and verbal intimidation against journalists, both within independent and state media, with the resulting chilling effect on freedom of expression.

The continued detention and house arrest of a number of journalists is an issue of serious concern, as are the charges against five journalists and editors working for *Minivan*, which would appear to constitute a concerted effort by the authorities to target this publication. In addition, the Mission deplored the abuse of Interpol procedure against exiled journalists and overseas Maldivian media, the blocking of *Dhivehi Observer* and *Maldives Culture* websites, and the jamming of the shortwave frequency of *Minivan Radio*.

1. Introduction

1.1. The Press Freedom Mission to the Maldives

From 3 to 7 May 2006, five international organisations working on freedom of expression and press freedom issues undertook an assessment mission to the Maldives. This mission was in part prompted by high-level representations and visits to a number of the participating international organisations by both the government and political opposition, as well as the increasing number of alerts on press freedom violations being reported.

The five organisations included in the mission were:

- Article XIX
- International Federation of Journalists (IFJ)
- International Media Support (IMS)
- Reporters without Borders (RSF)
- South Asia Press Commission (SAPC)

These organisations are members of the International Press Freedom Mission, which is a group of fourteen institutions, including UN agencies, global media associations, freedom of expression advocates and media development organisations, that was formed in 2005 originally to address the then deteriorating situation in Nepal, but which also follows press freedom and freedom of expression issues more widely in South Asia as per the mandates of the respective members.

The five organisations met with persons and institutions representing a broad spectrum of opinion on the current press freedom and freedom of expression situation in the country. In specific, these meetings included government ministries and institutions, political parties, police and security forces, civil society representatives, international community and a cross-section of the media.

1.2. Report Structure

This report is divided into three main areas, each addressing one or more issues directly relating to freedom of expression and press freedom situation. The report does not seek to provide an exhaustive list of all issues of concern, but rather those identified during the mission.

In this regard, the report focuses on the following areas:

- Intimidation and Harassment
- House Arrest and Detention
- Media Law Reforms

If you wish to provide any additional information relating to this report or would like any further information about the mission please contact any of the participating organisations.

1.3. General Background

The Maldives, which consists of 26 atolls encompassing 1,192 islets of which roughly 200 are inhabited, has a total population of approximately 300,000. It is a relatively prosperous country in South Asia and as a popular tourist destination its economy largely depends on revenues from this industry. However, despite steps forwards in the development of the country's infrastructure, industries, health care and education, many Maldivians continue to live in poverty¹.

¹ BBC World Service. Maldives Country Profile (24 May 2006)

The Political System and Presidency

The country's current political system was established in November 1968, with the first President, Ibrahim Nasir, vesting considerable power in the Presidency². President Nasir remained in office until 1978 when he announced that he would not seek re-election at the end of his second five-year term. In November 1978, Maumoon Abdul Gayoom, the then Minister of Transport and former permanent representative of Maldives to the UN, was nominated by the Majlis (Parliament) and elected as President³. President Gayoom has been subsequently re-elected for six consecutive five-year terms, the latest election being in 2003.

Under the current political system, the President is both the Head of Government and Head of State and accordingly has considerable power and influence. The President appoints members of the Cabinet and the Judiciary, as well as eight of the 50 Majlis members⁴. The President is also the Commander-in-Chief of the Maldivian National Defence Force⁵.

There have reportedly been a number of coup attempts against President Gayoom, including in 1980, 1983 and 1988. The latter attempt was allegedly organised by a small group of Maldivians using Sri Lankan mercenaries linked with a Tamil opposition group, the People's Liberation Organisation of Tamil Eelam (PLOTE). President Gayoom appealed to the Indian Government for help and a contingent of about 1,500 Indian troops was dispatched to restore Gayoom to power⁶.

Periods of Liberalisation

During the Indian military presence in Malé, there was a period of political liberalisation. In this regard, in February 1990 President Gayoom announced that he was planning to allocate powers from the office of the President to other official bodies. However, later in the year a number of politically vocal magazines, including *Sangu* (the conch shell), that were publishing articles critical of the government were banned. Measures were also taken to curtail freedom of expression, including the arrest of a number of leading writers and publishers⁷. Some of those persons active during this period were later to be instrumental in the formation of the Maldivian Democratic Party (MDP).

In 1993 when President Gayoom's brother-in-law, Ilyas Ibrahim (who was in charge of the State Trading Organisation, Ministry of Defence, Police and other institutions), made a challenge for the Presidency the freedom of expression space in the country was again opened, thereby allowing for more critical reporting. However, with the reconsolidation of power by President Gayoom and the conviction of Mr. Ilyas in absentia, restrictions on freedom of expression were once again put in place⁸.

In this manner, members of the political opposition and independent media allege that the President has allowed periods of greater freedom of expression either as a result of international scrutiny or when politically convenient within the domestic context to allow for critical reporting against opponents, only to re-impose restrictions later on.

² President Nasir also abolished the office of Prime Minister in 1975.

³ Presidents in the Maldives are chosen in a 'yes-no' referendum for a single candidate chosen by the Majlis - 'Republic of Maldives: Repression of Peaceful Political Opposition' Amnesty International (30 July 2003)

⁴ BBC World Service. Maldives Country Profile (24 May 2006)

⁵ The Maldivian National Defence Force (formerly the National Security Service until it was renamed in April 2006) was founded in 1978 after President Gayoom came to power. In 2004 a separate police force was created as an internal law enforcement agency to differentiate between military duties and domestic law enforcement duties. The CIA World Factbook states that the Maldives spends approximately \$41,100,000 for military purposes or 5.5% of the GDP, which is considered extremely high for a small country (www.wikipedia.org)

⁶ 'Republic of Maldives: Repression of Peaceful Political Opposition' Amnesty International (30 July 2003)

⁷ Ibid

⁸ Mr. Ilyas was later pardoned and rejoined the cabinet in 1998.

Political Unrest and the Roadmap for Reform

In September 2003, violence in Maafushi prison, sparked by the alleged torturing to death of an inmate by prison staff, spread to the streets of Malé. As a result, political and social tensions in the country started to build and in February 2004 a rally organised by members of the then banned Maldivian Democratic Party was halted by the security forces and several protestors were arrested⁹.

In June 2004 President Gayoom announced a sweeping programme of political reforms to be presented to the Special Majlis (Constitutional Parliament). These proposals, among others, included providing greater independence to the judiciary, separating the powers of the head of state and government and imposing a two-term limit for the presidency. The President would also lose the right to appoint eight members of the 50-seat parliament¹⁰.

Nevertheless, in July 2004 twenty-three members of the People's Special Majlis walked out in protest over the interim Speaker's rejection of demands to elect the permanent Speaker through a secret ballot. Then in August the Criminal Court held a hearing in the case of Ibrahim Fareed, a popular religious leader accused of inciting religious disunity. The deadlock in the Special Majlis, the decision of the Criminal Court and the detention of Fareed and Mohamed Yoosuf Fulhu, in connection with the hearing of Fareed, resulted in further protests. Despite efforts to retain calm, the situation quickly escalated resulting in over 185 individuals being arrested, SMS messaging and internet services being banned for a 24-hours, two police officers being stabbed and limited damage to property. Moreover, a state of emergency was declared and eleven members of the Special Majlis were placed in detention¹¹.

In an atmosphere of continuing tension between the authorities and political opposition groups, and with increasing attention from the international community, the President's Office issued a statement in May 2005 outlining 'Proposed Constitutional Amendments' as a roadmap for reform. These proposed amendments would address freedom of expression, freedom of information, the right to seek compensation for loss or injury, as well as the right to form political parties¹².

In June 2005, the Majlis voted unanimously to allow multi-party politics with the four main political parties (including the Maldivian Peoples Party - DRP, Islamic Democratic Party - IDP, Justice Party/ Adaalath Party – AP, and Maldivian Democratic Party - MDP) being officially registered in the following weeks and months¹³. However, within two months of this vote in the Majlis, an MDP leader, Mohamed Nasheed (also known as Anni), was charged with terrorism and sedition based on government allegations that he made comments against President Gayoom and incited people to violence¹⁴.

⁹ 'Assessment of the Opportunities and the Challenges to the Development of Political Parties in the Maldives' National Democratic Institute for International Affairs (16 December 2004)

¹⁰ 'Maldives: The Dark Side of Life' Asian Centre for Human Rights (30 March 2005)

¹¹ 'Assessment of the Opportunities and the Challenges to the Development of Political Parties in the Maldives' National Democratic Institute for International Affairs (16 December 2004)

¹² Attacks on Justice: Republic of Maldives (International Commission of Jurists, August 2005)

¹³ 1) The Dhivehi Rayyithunge Party (DRP) - or the Maldivian Peoples Party. The party's chairman is President Gayoom.

2) The Islamic Democratic Party (IDP) was officially granted registration on 12 December 2005. The founder member is Mr. Umar Naseer, a former police officer and owner of a security firm, Alarms Pvt Ltd, and a tourism company, Whale Submarine.

3) The Justice Party – AP – or Adhaalath Party - is an Islamic party headed by Dr. Abdul Majeed Abdul Bari. The Justice Party was registered in August 2005.

4) The Maldivian Democratic Party (MDP), although not officially recognized by the Maldivian government, began operating in the Maldives in April 2005, with its Chairperson Mohamed Nasheed returning to the country from exile. The MDP was then officially registered in June 2005. In December 2005 Ibrahim Ismail (Ibra) was elected President of the MDP. In February 2006 he threatened to resign over a dispute after the chairperson, Mohamed Nasheed, called for a National Executive Committee meeting without his consent. Almost the entire shadow cabinet attended this meeting and Ismail later resigned in April 2006. (www.wikipedia.org)

¹⁴ BBC World Service - Timeline: The Maldives

Then in July, the Majlis passed a bill to establish a Human Rights Commission, although this bill is due to be revised after criticism that the 'Human Rights Commission of the Maldives' has insufficient independence and authority. In September, the Maldives also signed the Optional Protocol to the UN Convention against Torture.

In a presentation entitled 'New Maldives: Reform and Democracy' in December, the government spokesperson Mohamed Shareef, Attorney-General Dr. Hassan Saeed, Foreign Minister Dr. Abdullah Shahid, Information Minister Mohammed Nasheed and Justice Minister Mohamed Jameel Ahmed outlined a number of measures to transform the country into a multi-party democracy. These Ministers and others, some of whom were appointed recently in a July 2005 cabinet reshuffle, have been dubbed the 'Reform Ministers'. In this regard, these appointments are widely seen as a move by the President to lend credibility and a new face to the reform process.

Nevertheless, tensions between the political opposition and government continue, with the roadmap for reform as a point of serious contention. The government accuses the political opposition of purposefully obstructing the reform process for their own political gain and to discredit the authorities, as well as to extract maximum capital over the pending legal cases against members of the MDP, whilst members of the political opposition accuse the government of insincerity in undertaking the reforms and failure to adhere to the set deadlines, with the deliberate intention of postponing any chance for substantive change until after the 2008 elections.

Both sides have also sought to present their respective positions as beneficially as possible to the international community, lobbying for support and engaging national governments and international organisations. In this regard, the government has hired the public relations and public affairs consultancy firm *Hill & Knowlton* to work with them on their strategic communication at the international level.

2. The Media Landscape

After years of keeping the media under close control and cracking down on dissidents, President Gayoom launched a reform process on 9 June 2005 that opened the way for a new generation of privately-owned media, some of them in opposition to the government. These publications function in challenging circumstances, attempting to gather as well as disseminate news from far flung atolls, where communication is extremely difficult.

President Gayoom already began democratisation programmes in 1990 and 1993 that saw temporary improvements in press freedom. However, each time the independent media were reined in after a few months and journalists were arrested. Now, with increasing pressure from a pro-democracy movement in which many media practitioners are participants, the government has again reopened the space for freedom of expression.

It was following the appointment of a new Information Minister, Mohamed Nasheed, a member of the 'Reform Ministers', that approximately ten privately-owned publications that are often very critical of the government emerged. This followed the suspension of very strict rules for the approval of newspaper licences on 14 July 2005. All pending licence requests were granted the same day. According to Information Ministry figures, six daily newspapers and 11 other publications have been given licences since July 2005. In all, six dailies, 15 fortnightlies and 70 other publications are currently registered in the Maldives. By all accounts, the registration process takes no more than two days and no requests are refused.

Although there are very few frequencies (8-10) available, with very little bandwidth, the Information Minister informed the Mission that the government was in the process of reviewing applications for private radio stations. In the coming year, the Ministry proposes to move towards corporatisation by merging TV and radio into a public service broadcaster. The Minister also informed the Mission about his intention to set up a "State Media Advisory Board" consisting of 'senior' persons.

The Minister has also stated that he wants to create laws that will guarantee press freedom in the Maldives, where no press legislation has previously existed. In less than a year, the Information Ministry and Attorney-General's office have drafted bills on press freedom, a press council, broadcasting and the right to information. In the absence of a journalists' union, the Information Minister also plans to work on the drafting of a code of conduct for the press.

The Information Minister promises liberal press freedom legislation based on the laws of such countries as Sweden¹⁵ and Australia, including the decriminalization of defamation. Although the "press package" touted by the 'New Maldivian' Ministers has been put together with a degree of participation by the media community, some of the models used are old and inappropriate and do not meet the needs of a country in transition. As the proposed laws have not been officially translated from Dhivehi into English, it is difficult for international organisations to provide input in this process.

2.1. Media Freedoms and Harassment

A number of publications – including already existing ones such as *Adduvas* and newly-created ones such as *Jazeera* or *Hamma* – have gradually pioneered journalism of an investigative and critical nature, while *Minivan* has adopted a position of outright opposition to the government.

The privately-owned print media have won an increasing degree of credibility through revelations about corruption and reporting on hitherto taboo subjects, such as the rehabilitation of drug addicts and police violence. The weekly *Adduvas* sold tens of thousands of copies of one of its issues in December

¹⁵ The Freedom of the Press Act adopted by the Swedish Parliament in 1766 was one of the first liberal law protecting the press freedom.

2005, which had sensational revelations about the granting of loans on very favourable terms to senior officials, including the Chief of Police.

This boldness has had dramatic consequences for some journalists. *Addwas* editor Aishath Velezinee, for example, has received death threats. The poet Ibrahim Manik was beaten up by police officers after writing for *Minivan*. At least seven journalists have been arrested since June 2005 and around 20 have reportedly been threatened. Government officials and the allies of the President have allegedly been responsible for most of the harassment, although state media presenters and reporters have also reportedly been harassed by supporters of the political opposition.

Launched by the journalist and senior MDP figure Mohamed Nasheed “Anni” in June 2005, the opposition newspaper *Minivan* has been singled out for repression due to its bold views and open hostility to the government. All the officials and state media journalists that the Mission met criticised *Minivan*. The Information Minister stated that “it doesn’t even deserve to be called a newspaper”, whilst the Chief of Police stated, “they call for murder and respect nothing”. “*Minivan* has become a firebrand that puts many people’s lives in danger, including our journalists” said the head of *TV Maldives*. In addition to a lack of professionalism and incitement to violence, *Minivan* has also been accused of degrading the Maldivian language, Dhivehi, through using ‘street’ terminology and not adhering to linguistic standards.

However, *Minivan*’s founders and journalists defend themselves, whilst also acknowledging the anti-government stance that the publication currently takes. “The newspaper gives the people the free speech that was confiscated by the Gayoom regime for too long,” said Nasheed, who is under house arrest in Malé. “We are the victims of attacks, insults and sanctions because we take the democratic movement’s side,” said *Minivan* editor Aminath Najeeb. “These charges of treason, drug trafficking, theft and sedition against *Minivan* journalists are all part of a government strategy to silence a newspaper that is a nuisance,” said Mairya Didi, a lawyer and MDP parliamentarian.

It would appear that despite the encouraging announcements and steps of the past years, the authorities have not abandoned old methods of harassment and intimidation in the case of *Minivan* and other critical publications such as *Manas*, *Fiyas* and *Addwas*. The arrests and direct or indirect threats completely contradict the government’s undertakings to respect press freedom. They create a climate of fear and mistrust – at least one journalist left *Minivan* to avoid arrest – that is harmful to the reform process.

The foreign press is able to work relatively freely in the Maldives although at least one foreign journalist, Paul Roberts, the editor of the *Minivannews* website, is blacklisted and other foreigners – lawyers and human rights activists who support the opposition – are banned from entering the country. The Mission representatives did not come across any cases of foreign media, including websites, being censored.

2.2. Pending Reforms and the State Media

The Maldives is one of the very few countries in South Asia – the Kingdom of Bhutan is another – where privately-owned broadcast media are not allowed. *TV Maldives* and *Voice of Maldives* are both run by the Information Ministry and are in essence a reflection of government opinion. Until very recently, only the government’s version of events was available on these stations and the opposition parties accuse them of systematically defaming their leaders and activities.

The Information Ministry gave the Mission an undertaking to overhaul the state media and transform them into a public service company. The government’s reform plans include the opening up of radio and TV broadcasting to the private sector by November. The Ministry has already received 38 requests for radio or TV broadcast licences from individuals or privately-owned companies.

In addition, the Information Ministry has introduced some modest changes to the state radio and TV, pending the termination of the state's broadcast monopoly. New figures from the private sector have been appointed and new programmes offering more diverse views have been launched. On the evening of 3 May, for example, *TV Maldives* broadcast a public debate on press freedom to which government critics were invited. Moreover, an interview with the MDP's General Secretary was broadcast the next day at his request, in which he explained the circumstances of a pro-press freedom rally in Malé that was broken up by the police. The Maldives Commission for Human Rights has also noticed the change. "The government media never carried our releases under the previous Minister," a commission member said. "It was an organised boycott. Now we have more chance of making ourselves heard."

However, the opposition and independent figures still accuse the radio and TV stations of being the political mouthpiece of the government. One of the leaders of the Adalath Party stated, "coverage of our activities on the radio and especially the TV is still biased. A comment reflecting the government's viewpoint is always added to any footage about us. Nothing is ever in our favour." Referring to the daily newspaper *Hama Roalbi*, the Adalath's spokesman added, "the insulting unsigned articles in *Hama Roalbi* are evidence that the President's camp has not abandoned its dirty tricks." *Hama Roalbi* and the *Factmaldives.com* and *Maldiviam.com* websites carry accusations and rumours about leading opposition and civil society figures.

It is therefore apparent that the government's promises of press freedom remain to be acted on in greater depth, especially regarding the way in which the security forces and judicial system treat critical journalists.

3. Intimidation and Harassment

A year after the announcement of the reform programme, measures have been adopted that allow a degree of press freedom, but in consideration of previous periods of liberalisation and under the current conditions these gains are precarious.

The Mission found clear evidence of harassment and intimidation of the media. Journalists covering political and social events and demonstrations, as well as those participating in these demonstrations, have been the victims of excessive use of force by the police and the paramilitary (Star Force). In such cases, the security forces have acted with seeming impunity. The Mission also recorded cases of death threats and verbal intimidation against journalists, both in the independent and state media, with the resulting impact of intimidating journalists and obstructing freedom of expression.

With the reform of the political system in its infancy, an effective separation of state powers between the police, legislative and judiciary has yet to be operationalised. As a result, the police appear to be acting as an arm of the political party in power. The police also seem to be using undue force in dispersing demonstrations and apprehending suspects – including journalists. Journalists doing their duty of covering demonstrations are under threat of arrest, detention and becoming victims of undue force, including assault by both the police and Star Force, as well as unidentified “gangs” suspected of being mobilised by the government. Interpol has also been misused to conduct inquiries about journalists and media house operating from outside the Maldives.

The sharply polarised political scenario of the Maldives is also reflected in the media landscape. Newspapers and websites often engage in name calling and personal insults. This kind of slanderous material has been reported by all sides. The mission was also informed about alleged cases of stones being thrown by MDP supporters at journalists from the public media, like *TV Maldives*. However, those who were critical of the government have had little or no recourse when they were targeted. In contrast, the presenter from state-owned *TV Maldives* was offered protection and a safe house in August 2005 following harassment and intimidation.

The Dhivehi language press appears to be indulging more in slander, character assassination and personal attacks, especially against women journalists. Journalists reported feeling harassed and uneasy, and operating under stress due to such slanderous attacks.

3.1. Intimidation and Harassment of Media Practitioners

Below are a number of cases identified during the Mission of intimidation and harassment of media practitioners.

Ismali Faiz – May 2005

On 1 May the cable and wireless employee, Ismali Faiz, was arrested and detained for five weeks. Faiz was a system engineer of the country’s sole Internet Service Provider, *Dhiraagu*. He was released on 6 June 2005 without any clear explanation as to why he was detained, with the charges against him having changed several times. He was initially accused of working with the *Dhivehi Observer*, a London-based website that is banned in the Maldives. He was later accused of links with the militant group *Jamutul Muslimeen*.

Siraj, Shafeeq and Shabeem – Fiyas Magazine – July 2005

Fiyas Magazine editor, Mr. Siraj, sub-editor, Mohamed Abdulla Shafeeq, and journalist, Thayyib Shaheem, were threatened with criminal prosecution by the Ministry of Arts and Culture on 22 July 2005 for refusing to sign pre-prepared statements acknowledging that they had violated the law and journalism regulations by publishing interviews with opposition leader Ibrahim Ismail and Ahmed Shafeeq Ibrahim Moosa, a self-exiled internet dissident based in the UK.

Ibrahim Rasheed – August 2005

Ibrahim Rasheed, managing editor of the state-owned weekly *Adduvas* was imprisoned on 14 August 2005. The arrest followed his covering of the riots and demonstrations of August 2005 when Mohamed Nasheed was arrested. He has now been released, but the charges have not been dropped, thus providing a justification for the police to pick him up at any time.

Sirshan Zahir – August 2005

Sirshan Zahir, a cameraman who filmed Mohamed Nasheed's arrest on 12 August, had fifteen masked policemen forcibly enter and search his home at around 03:00 hrs a few days following the event.

Aminath Najeeb – August 2005

Aminath Najeeb, editor of the independent newspaper, *Minivan*, was taken to the police station twice and threatened with prosecution and detention for an article published about 1 August 2005 protests. Aminath is being charged with 'disobedience to order' under section 88 (a) of the penal code. The charge is in relation to an ongoing case against *Minivan*'s sub-editor Nazim Sattar. The case against Aminath Najeeb is pending.

Heena Waleed – August 2005

Heena Waleed, an anchor with *TV Maldives*, was subjected to intimidation and slander following her presentation of the rally on 12 August 2005. According to the Information Minister, the situation was so serious that he had to offer her protective shelter.

Aishath Velezinee – December 2005

Aishath Velezinee, an editor of *Adduvas Weekly*, reported receiving anonymous threatening calls on a regular basis. She was also physically attacked on 24 December 2005, the last day of Parliament. She also reported being regularly harassed by customs officials each time she entered the country – her bags are needlessly checked and re-checked. In addition, Velezinee reported being harassed and stalked on the road while walking home from work late at night. The pro-government newspapers, *Hama Roalhi* (official paper of the DRP) using nicknames, made several slanderous comments about Velezinee. Much of the harassment of the women journalists was related to rumours about their personal life. Moreover, hate articles on *www.factmaldives.com*, the pro-government website in Dhivehi, uses obscene language in personalised attacks, especially pertaining to women journalists.

Aminath Najeeb and Hidayathulla – January 2006

Aminath Najeeb, editor of *Minivan*, and Hidayathulla, a journalist with *Minivan*, received anonymous phone calls in January 2006. These threats, more frequent prior to demonstrations planned by the MDP, were reported to the police.

Mohamed Amir Ahmed – January 2006

Mohamed Amir Ahmed (Fares Amir) deputy editor of *Fijes* weekly magazine was arrested by police at his home in Malé on 6 January. Three men from the 'Star Force' unit of the police arrived at Amir's house and ordered him to accompany them to the police headquarters. Amir was then transferred to Dhoonidhoo detention facility and accused of organising a demonstration on his native island, from which he has reportedly been absent for 14 years. Amir wrote and signed a statement giving details about what he had done on that particular day and was released after 15 hours.

Ali Fahud – February 2006

The reporter of the *Adduvas* weekly magazine, Ali Fahud, was arrested by police on 23 February 2006 whilst covering a demonstration by the political opposition outside Majlis. His arms were handcuffed behind his back and he was taken away along with six others. Fahud was wearing his official press card at the time of his arrest. He had been arrested a number of times earlier whilst taking pictures and covering stories from similar protests.

Nazim Sattar – April 2006

Minivan's sub-editor, Nazim Sattar, was summoned to court on 18 April and charged with 'disobedience to order' in relation to an article published in the newspaper on 2 August 2005. If found guilty Nazim faces up to six months in exile, imprisonment or under house arrest, as well as a fine of up to MRF 150,00 (approximately USD 1,200). Moreover, at a hearing on 15 May it was revealed that Nazim was being charged under some of the most draconian provisions of the existing press regulations: Article 2 of the Law on Publications such as Newspapers and Magazines, as well as Article 12 (a) of the Penal Code¹⁶.

The charges relate to an article Nazim wrote on 2 August 2005 which quoted MDP official Ahmed Abbas as saying, "what we should do to those in the Star Force who beat us, is to seek them out individually and for us to act in such a manner that makes them feel that beatings result in pain, otherwise they will not be subdued."

Nazim's lawyer, Mohamed Fawzi, dismissed the accusation, saying "the interpretation of an author's intent is not chargeable... and the article does not advocate violence against anyone." Fawzi proposed to present in court photographs and video footage of police brutality against civilians, "to show that [Nazim's] article draws attention towards an ongoing problem." The prosecution countered that such material is irrelevant to Nazim's case but proposed to call on four policemen who would testify that the article "attracted abuse against them." The case has been adjourned.

Savaad – April 2006

Savaad, a young reporter with the *Addwas* weekly was assaulted at the DRP Congress venue by DRP members and supporters. He was forced to erase photos he had taken. Following a complaint to DRP officials, they apologised for the incident.

3.2. Attacks against Media Outlets

The following are cases of attacks against media outlets aimed at either closing them down or significantly hindering operations as identified during the Mission.

Minivan – August 2005

Minivan was granted permission to publish a print edition on 26 July 2005. However, intimidation by the authorities led to the suspension of normal publication. After threats made by unknown persons to burn the printing press down if they continued to work with the newspaper, the printers stopped producing the publication at the end of August, after which it has continued to circulate in a photocopied format.

Minivan Radio and Minivannews.com – December 2005

On 28 December 2005, ten Sri Lankan police officers raided the Colombo offices of *Minivan Radio* and *Minivannews.com* in search of arms. They found none. The raid was prompted by baseless claims from the Maldivian Chief of Police, Adam Zahir, to his counterparts in Sri Lanka. Since then some Maldivian journalists have fled to Sri Lanka for fear of further reprisals. The station briefly stopped broadcasting as a result.

¹⁶ Article 2 of the Law on Publications such as Newspapers and Magazines states, "If any undesirable outcome arises due the publication of an article or a statement by a newspaper, magazine or any such item, measures will be taken against the writer of the article or the statement along with the Editor of the newspaper or the magazine according to the relative extent of the matter." Article 12 (a) of the Penal Code defines 'Abetment' as an offence that occurs when there is, "advising or instigating in any manner to commit an offence or referring directly or indirectly to any such act".

4. House Arrests and Detention

The mission met a number of media practitioners and freedom of expression advocates who are under house arrest or in detention both whilst awaiting charges and trial, as well as during court proceedings and as a result of sentencing. These persons are being held in relation to number of offences, including terrorism, disobedience, treason, overthrowing the government and possession of drugs.

The Mission identified a number of such recent cases, including:

Mohamed Nasheed (Anni) – August 2005

Mohamed Nasheed, former journalist for the magazine *Sangu*, founder and shareholder of *Minivan*, and chairperson of the MDP, was arrested after taking part in a demonstration calling for democratic reform on 12 August 2005. The demonstration involved a sit-in in the main square in commemoration of the anniversary of the mass arrests of opposition leaders and activists in 2004. On 22 August 2005, Nasheed was officially charged with sedition and terrorism for statements the government claimed he made in July that called for “violent overthrow”. Nasheed has been imprisoned from 1991 to 1993 and again from 1996 to 1998 for his writings.

Shuaib Ali – August 2005

Shuaib Ali, a *Minivan* journalist, was arrested on 13 August at his home. Shuaib was accused by the investigators of “being involved in the preparation of iron rods and wooden sticks to be used as weapons”. He was taken to the police headquarters and then transported to Feydhoo Finolhu island detention facility with nine other detainees. All of them were handcuffed behind their back during the boat ride to the detention centre in breach of international maritime law. Ali refused to sign a statement and told the authorities that the police had arbitrarily arrested him because of his political opinions - which are regularly expressed in *Minivan*. He was later transferred at Dhoonidhoo detention facility where the judge was brought to extend his detention. Shuaib was taken to the Criminal Court in Malé on 12 September, but was allegedly denied representation having requested a lawyer. The authorities also allegedly ordered Shuaib to sign a statement that he would require police permission before travelling out of Malé. Shuaib said that the police had unlawfully forced him to sign this statement contrary to the judge's instruction to release him.

Imran Zahir Bakuree – September 2005

Imran Zahir, a photojournalist for *Minivan*, was arrested on 27 September 2005 whilst covering an MDP rally in Malé. Zahir was taken from Malé to the Dhoonidhoo detention facility and later put under house arrest for 20 days. The police refused to return his camera and accused him of assaulting them outside the hall where the MDP meeting took place. Zahir claims his camera contains photographs that prove the charges against him are fabricated. On 19 May 2006, Zahir was granted access to his lawyer.

Jennifer Latheef – October 2005

Jennifer Latheef, democracy and human rights activist, documentary filmmaker and photojournalist for the newspaper *Minivan*, was sentenced to ten years in jail on 18 October for the alleged ‘terrorist act’ of throwing a stone at a police officer during political demonstrations on 20 September 2003 while protesting the deaths of five prisoners. Latheef, who is the daughter of Mohamed Latheef co-founder of the MDP, was found guilty based on the testimony of police officers.

During the weeks leading up to the trial, Latheef's health deteriorated steadily, largely due to the stress of the trial. She was hospitalised in early October 2005 and was unable to attend a hearing on 13 October at which five other dissidents on trial with her received 11-year sentences. She continued to be held in poor conditions in a detention facility on the island of Maafushi, approximately 20 km south of the capital of Malé.

On 22 December 2005, Latheef was transferred from Maafushi to house arrest on medical grounds. Doctors prescribed physiotherapy for spinal column injuries and recommended that she rest for mental exhaustion. Despite her physical condition the authorities refused Latheef permission to go abroad for medical treatment.

Abdullah Saeed (Fahala) – October 2005

Abdullah Saeed, reporter for the *Minivan* newspaper, was arrested on 13 October 2005 for drug possession when police allegedly found drugs in his clothing upon his summons to the police station. *Minivan* defended its journalist, claiming that the accusation was fabricated and merely a pretext for an open attack by the government on journalists. On 26 March 2006, Saeed was sentenced to two months in jail for refusing a urine test. Saeed said his refusal was due to his fear that the sample would be tampered with. He was later sentenced to life imprisonment on 18 April for drugs possession with intent to deal.

Ibrahim Manik – February 2006

Ibrahim Manik, a poet and contributor to *Minivan* newspaper is currently under house arrest. He was arrested and charged with theft and was held in prison from 27 February to 5 April. He was allegedly beaten by police after refusing to sign a prepared statement admitting that he had stolen money and gold (7kgs) from a visitor at his mother's home. Manik was allegedly not allowed medical treatment for a month. After 6-days of detention, Manik was allowed to write his own statement stating that he had not stolen anything. Manik went on hunger strike on 27 March and was released from prison under house arrest on 5 April. Manik has filed a complaint to the police for wrongful arrest and ill-treatment.

Abdul Hameed – April 2006

The editor of bi-weekly magazine, *Manas*, was arrested on 19 April 2006 on charges of “acts against the State”. Hameed had published an advertisement in *Minivan* newspaper concerning a protest and was detained 3 days prior to the protest, which called for government action over high property rents in Malé. After two weeks in Dhoonidhoo detention facility he was released. The Information Minister reportedly supported him in his case which made his early release possible. He was allowed access to his lawyer who visited him twice a week. During the investigation the police asked him to write a letter of apology to the government, but he refused. He acknowledged that he was treated well in detention.

Mohamed Yushau – April 2006

Mohamed Yushau, a reporter for *Minivan*, was arrested on 9 April 2006, in the south of the Maldives at Gaaf Dhaal atoll for allegedly refusing to respond to a police summons. Yushau went to cover a demonstration against the governments' fishery policy, but was arrested and put in Dhoonidhoo detention facility. Yushau was also reportedly documenting genocide in the Maldives and working on human rights issues. His detention was extended on 28 April for a further 15 days. Yushau is now being investigated under terrorism charges.

5. Media Reforms

Media law reform is one of eight components in the reform agenda and roadmap laid out by the President and government. In this regard, the roadmap identifies three main actions pertaining to the implementation of reforms in the media field:

- Introduction of new laws to protect media freedom;
- Introduction of a new Defamation Bill to make defamation a civil rather than a criminal offence;
- Strengthening private broadcasting.

In addition, the Information Minister has announced his intention to transform the state TV and radio broadcasting into a Public Service Broadcasting (PSB)¹⁷.

The bills in the reform package include:

- Bill on Press Freedom
- Bill on Freedom of Information
- Bill on Registration of Newspapers and Magazines
- Media Council Bill
- Code of Conduct for Journalists
- Defamation Bill

The government confirmed that it submitted four bills to the Parliament in February 2006, including the bills on freedom of information, press freedoms, media council and registration of print media. At the time of the Mission, however, Article 19 had been able to comment on one bill only – the Bill on Media Freedom., although the organisation has offered its legal input on the other drafts.

The drafting process followed so far has included consultation with media professionals in the Maldives, representing “16 media establishment across the country¹⁸” through several days of review and revision of the draft legislation. Some journalists interviewed during the Mission confirmed having received invitations, whilst others had not or could not remember receiving it. In addition, the Information Ministry has co-organised at least two series of workshops or trainings for journalists in 2006¹⁹.

5.1. Flaws of the Judicial System

The protection of freedom of expression and freedom of the press is dependent upon the development of an independent judiciary, law enforcement agencies that do not abuse national law and international standards, fair trials and tackling police impunity.

A central theme to the difficulties encountered in the implementation of the roadmap concerns the judicial system of the Maldives. The serious concerns highlighted by a number of international human rights organisations and local activists include the lack of independence of the judiciary; the lack of statutory law in many areas; and the apparent admission of confessional statements obtained under duress as evidence in court, even though such admissions are, according to the authorities, banned under existing law. As a matter of fact, the Mission recorded a number of such instances of ill-treatment following arrest, including extracting confessions from alleged perpetrators. The risk of

¹⁷ Meeting with Minister of Information, 6 May

¹⁸ Briefing Note, “Major Steps taken by the Government to Ensure the Operation of a Free Media”, handed to the International Mission, May 2006

¹⁹ Ibid

unfair trial was also one of the most-often cited concerns raised by a number of persons interviewed by the Mission. The Mission team was also deeply concerned by the overall climate of impunity that characterized the alleged unlawful activities of the police, including excessive use of force, degrading and ill-treatment and torture.

In response to criticisms, the government formulated in 2004 a four-year National Criminal Justice Action Plan (2004-2008), which it claims it is now implementing. For instance, the government announced the official separation of the Judiciary from the Executive on 11 November 2005,²⁰ along with a number of measures meant to achieve this separation, including changes to the functioning of the Presidential Advisory Council on Judicial Matters, and the establishment of a Judicial Service Commission. By the time of the Mission in May 2006, there was little evidence that these measures were being trusted and/or understood by media and human rights activists.

The Mission is particularly concerned that the President's appointment of the members of the Presidential Advisory Council on Judicial Matters contradicts the spirit, if not the letter, of the proposed reform of the Judiciary²¹. Under the current approach and legacy, the establishment of a Judicial Services Commission cannot be said to offer sufficient guarantees of the separation. For instance, the majority of its members are linked directly or indirectly to the Executive (2 members are from the Executive while 4 members are appointed by the Chief Justice, himself appointed by the President, as per the Constitution.)²² The 11 November Presidential Decree and overall reform of the criminal justice system do not go far enough in guaranteeing the full separation of the Judiciary from the Executive and therefore the independence of the Justice System. This limited move is of particular concern, given the Maldives' poor track record in terms of meeting international standards on fair trials.

The Mission therefore urges the government to ensure that the provisions of international human rights treaties regarding the independence of the Judiciary, fair trials, and impunity are fully incorporated into any legislative, policy and administrative initiatives so that existing flaws in the criminal justice system are removed.

5.2. Human Rights Commission of the Maldives (HRCM)

The Human Rights Commission of the Maldives was established by President Gayoom in December 2003. The initial draft Human Rights Commission Act establishing the HRCM did not comply with the Paris Principles pertaining to human rights commissions, so the government and the Parliamentary Committee revised the draft Bill accordingly to ensure it satisfies international standards. The Mission was encouraged by this process and welcomed the revisions.

5.3. International Human Rights Mandates

In 2005, the UN High Commissioner for Human Rights, Louise Arbour, had offered the expertise of the United Nations Office of the High Commissioner for Human Rights (UNHCHR) to assist in the revisions of the Human Rights Commission Act and in particular its compliance with the Paris Principles. The Government of the Maldives had acted upon this offer and invited representatives of the UNHCHR to discuss the Human Rights Act, who were able to make recommendations for amending the Act. Following the presence of the Mission, the government also issued a standing invitation to all United Nations Special Rapporteurs, and specific invites to the UN Special Rapporteur on freedom of expression and the UN Special Rapporteur on the independence of judges. The Mission welcomed these invitations, which it encouraged the government to issue in its mission statement of 6 May.

²⁰ Attorney General Office, Through the Reforms of the 6th presidential Term of President Maumoon Abdul Gayoom, March 2006.

²¹ Ibid, p.3.

²² Ibid, p.4.

5.3. Press Freedom Bill²³

Whilst the Mission welcomed the Maldives government's intention to reform its media laws, there are concerned that the Bill on Freedom of Press falls short of international standards and best practices. The Bill, which is reportedly based on the Freedom of the Press Act adopted by the Swedish Parliament in 1766, fails to provide sufficient positive support and protection for the right to freedom of expression to be regarded as a 'freedom of the press' Bill. Although it provides some protection, for example stating that administrative censorship shall be prohibited, the many restrictions proposed under the Bill far outweigh the few protective measures it introduces. The Bill proposes the creation of a number of new 'media crimes', as well as a long list of 'banned matter'. For example, Article 11 of the Bill would make it a crime to publish anything that can be interpreted as an "act against the State" or anything that is "deemed to be" a secret State document.

Under Article 10, the media would also be barred from publishing anything that would "serve to detract from ... social standards"; information on personal finances or debt; material that "might detract" from the "mental well-being and personality traits" of children; and "material promoting negative visions of women and children". Article 12 would give the government the power to confiscate a newspaper that publishes anything that contravenes the Law. Article 4 of the Bill also places various matters outside the scope of 'freedom of the press' altogether, prohibiting the publication of anything that is inconsistent with "basic tenets of Islam"; anything that would threaten the sovereignty of the nation; and anything that would impinge on the maintenance of "public peace".

The Mission does not believe that any of these restrictions are compatible with international human rights standards. Many of the restrictions are extremely vaguely worded and open to wide interpretation. This means that they are easily abused for political purposes. For example, a publication that is harshly critical of government policies or that exposes a Minister as corrupt can easily be deemed to have committed a criminal "act against the State" and have all its copies confiscated; and the ban on the publication of matter "deemed to be a State secret" can be interpreted to extend to any government document, including those that are of significant public interest. Even the restrictions that aim to protect the welfare of children are incompatible with international standards. While they pursue a legitimate aim, they are vaguely worded and are aimed at all media, leaving no scope whatsoever for publications aimed at an adult audience. Although Article 16 aims to protect freedom of expression by requiring the authorities to take the importance of this right into account when taking action under the law, this alone does not suffice to remedy any of these harsh restrictions.

If the government truly intends to bring its laws into line with universally accepted human rights standards and international best practice, the Mission recommends that it studies the experience of other countries who have recently introduced legal reforms. In particular, the mission would refer to Georgia's 2004 Law on Freedom of Speech and Expression, which elaborates in detail on the constitutional guarantee of freedom of expression; establishes a high burden of proof for any authority that wishes to restrict freedom of expression; protects the confidentiality of journalists' sources and enacts a high standard of protection for journalists against abusive defamation suits.²⁴

5.4. Other Media Bills

The Mission has offered to review the remaining draft bills regarding freedom of the media once they are made available in English to the international community. The Mission is therefore not in a position to comment on the issues that may be emerging from these drafts. The following comments are therefore based on the information collected in the course of interviews with government, media and civil society representatives:

²³ Based on ARTICLE 19, Memorandum on the Press Freedom Bill of the Maldives, May 2006

²⁴ Georgia's Law on Freedom of Speech and Expression can be found at http://www.liberty.ge/eng/categories.php?genre_id=79§ion_id=2&from=categories.

1. The consultative process followed for the draft bills, involving media workers and representatives from a range of media in the country, is a positive move and one that could help strengthen the draft. However, the concern is that to ensure a useful process, this type of consultation must be grounded on some minimum information, knowledge and awareness about freedom of expression standards and practices that will allow for an informed debate and review. In the absence of such information, the discussions may fail to bring the Maldives draft bills in line with similar international efforts and standards.
2. Access to government-held information is central to the media law reform program: lack of access denies all people's access to information they could otherwise read in their newspaper, while creating serious obstacles to professional reporting. Media and civil society workers in the Maldives highlighted to the Mission the difficulties they confront in terms of getting information which should be in the public domain, reactions and quotes. The development of a draft bill on freedom of information constitutes a major step forward to address these problems and strengthens democracy and good governance. To be meaningful, legislation on freedom of information must meet a number of criteria and should limit the scope of the restrictions. For instance, freedom of information legislation should be guided by the principle of maximum disclosure: it establishes a presumption that all information held by public bodies should be subject to disclosure and that this presumption may be overcome only in very limited circumstances. Exceptions should be clearly and narrowly drawn and subject to strict "harm" and "public interest" tests. Experiences elsewhere also show that the legislation must be immediately followed by changes in practices.
3. A number of interviewees explained to the Mission that the government will take the lead on developing a code of conduct for journalists. In the Missions' experience, this area of work is best left to self-regulation by the professionals themselves who should come together and develop their own code of conduct, outside any forms of political or commercial pressure. The role of the government should be restricted to creating an enabling environment.

**Memorandum on the Defamation Bill
of the Republic of the Maldives - Article XIX**

In connection with this report, Article XIX has drafted a memorandum on the proposed Maldives Defamation Bill. This memorandum comments on the draft Bill in detail and provides recommendations for reforms.

To obtain a copy of the memorandum please contact Article XIX at: info@article19.org

6. Recommendations

6.1. Government

The Mission calls on the Government (including where relevant the Parliament and Judiciary) to:

1. Undertake a fair and transparent review of the cases against those media practitioners and freedom of expression advocates currently detained, under house arrest or in exile, including Jennifer Latheef, Abdullah Saeed Fahala, Ibrahim Manik, Imran Zahir Bakuree, Ibrahim Luthfee and Mohamed Yushau. In all cases the principles of fair trial must be followed to the letter and the presence of international observers facilitated;
2. Desist from using anti-terrorism laws to silence critical voices;
3. Bring an end to all forms of harassment, intimidation and attacks against media practitioners, including through the use of paid or proxy individuals or groups;
4. Bring to trial all those security forces personnel involved in excessive use of force, torture and ill-treatment, to end the climate of impunity for such crimes and to award compensations to victims;
5. Sign and ratify the ‘International Covenant on Civil and Political Rights’ and ‘International Covenant on Economic, Social and Cultural Rights’, as well as ratify the ‘Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’;
6. Ensure that the provisions of international human rights treaties regarding the independence of the Judiciary, fair trials and impunity are fully incorporated into the reform process;
7. Ensure that all draft media Bills, including the Bill on Freedom of Information, Bill on Registration of Newspapers and Magazines, Media Council Bill and the new Defamation Bill, meet international standards and/or best practices. In this regard, the Mission offers its support in reviewing and analysing these draft Bills;
8. Amend the Press Freedom Bill on the basis of international standards. In particular:

On the scope and purpose of the Bill:

- ~ The Bill should provide a far more expansive interpretation of the right to freedom of expression, and the various circumstances in which it applies.
- ~ The Bill should provide specific protection to political speech.
- ~ The right to freedom of expression should belong to everyone, not just citizens.
- ~ The Bill should not place any categories of expression outside the scope of the right to freedom of expression.

On restrictions on freedom of expression:

- ~ The Bill should include clear guidance on the narrow conditions under which restrictions may be imposed on the right to freedom of expression, including the requirement that restrictions be provided by law, clearly stated, narrowly tailored and strictly “necessary” to achieve a legitimate purpose.
- ~ All restrictions on what may be published should be reviewed against international law standards. To the extent that a restriction serves a legitimate purpose, it should be reworded in appropriately precise language and inserted in laws of general application, such as the civil code.

- ~ The criminal law should be used to restrict freedom of expression only when this is truly necessary, and never to protect the reputation or privacy of private persons or other private interests.
- ~ Secrecy laws should restrict only the publication of such material the disclosure of which would cause demonstrable and serious harm to the national security or defence of the Maldives. Journalists should be liable for the publication of legitimately restricted material only if they committed fraud or another crime to obtain the information.
- ~ The sanction of confiscation of copies, or signal blocking, proposed in Article 12, should be abandoned in favour of more proportionate responses.

On protective measures:

- ~ The Bill should provide protection against unnecessary searches of media outlet's offices, as well as protection of anonymity and protection of sources.
- ~ The requirement that an editor should know the identity of all sources used for reports should be dropped.
- ~ A search, an order to reveal a source or an order to reveal the identity may be issued only in accordance with the following principles:
 - The identity of the source is necessary for the investigation or prosecution of a serious crime, or the defence of a person accused of a criminal offence.
 - The information or similar information leading to the same result cannot be obtained elsewhere.
 - The public interest in disclosure outweighs the harm to freedom of expression.
 - Disclosure has been ordered by a court, after a full hearing.

9. Amend the following Penal Code Articles:

- ~ Article 38 that allows jailing or banishment for any gesture, speech or action that insults, malice or disobedience in the minds of Maldivians against lawfully formed government.
- ~ Article 29 on treason.

10. Amend Article 6-a (15) of the proposed bill which gives legal backing to police monitoring mails, post and taping of phone calls which is the violation of privacy laws.

11. Allow for an environment in which media practitioners can develop their own Code of Conduct and self-regulatory mechanisms, independent of political and commercial pressures, including an independent journalists union;

12. Earnestly and expeditiously pursue the transformation of state-controlled broadcasting into public service broadcasting.

6.2. Security Forces

The Mission calls on the security forces (including all branches of the police, prison service and military) to:

1. Cease using excessive force on peaceful demonstrators, including media practitioners, as well as respect the right of media practitioners to cover and report on all demonstrations;
2. Immediately end all actions aimed at intimidating and harassing media practitioners and freedom of expression advocates, including arbitrary arrest and detention;

3. Immediately end all mistreatment of media practitioners and freedom of expression advocates in detention and ensure their rights, including the presence of their legal counsel during interrogation, an end to pressurising detainees to sign statements and access to reading materials and media;
4. Make public and bring to justice all cases involving security personnel responsible for excessive use of force, torture and ill-treatment of media practitioners and freedom of expression advocates;
5. Ensure adequate training on human rights for all security personnel.

6.3. Media Community

The Mission calls on the media community to:

1. Wear distinguishing clothing or markers (such as a jacket, T-shirt or cap) when covering demonstrations and other events;
2. Systematically report arrests and violence against the media by the security forces to the Interior Ministry and the Maldives Commission for Human Rights;
3. Explore options for creating a journalists union and the development of professional standards, including drawing up a code of conduct;
4. Refrain from any calls for indiscriminate or targeted violence and verify information and sources.

6.4. International Community

The Mission calls upon the international community, including donor governments and the Commonwealth, to:

1. Support the democratisation process and monitor the evolution and implementation of the reforms foreseen in the roadmap, with specific reference to those aspects relating to press freedom and freedom of expression;
2. Support media development in the country through assisting national and international organisations involved in media development, legal support, training and so forth.

7. Contact Details

For further details about the mission and report please contact one of the following participating organisations:

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