

SITUATION REPORT: MALDIVES

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The waves of restrictions on freedom of expression and press freedom continue in the Maldives as its attempts to muzzle critical voices go unabated. These attempts were the reasons behind the statement by UN High Commissioner for Human Rights Zeid Ra'ad al-Hussain who said the Maldivian government was “increasingly cracking down on critical views” in September 12 during the meeting of the UN Human Rights Council.

The state's attempts to restrict press freedom are resulting in fear among the media and journalists at a scale that critical news are difficult to publish in media operated from within the Maldives. Self-censorship – especially in issues critical to the government and anything relating to the opposition – is increasingly apparent in media content.

The decisions of the state-controlled Maldives Broadcasting Commission (MBC) indicate towards censorship and legal harassment on media. The MBC has imposed hefty fines on opposition-aligned Raajje TV thrice – each time immediately after the station paid the earlier fine. Raajje TV receives third defamation fine on October 8 when the MBC fined it MVR500,000 (USD 32,425) for airing comments made by MP Mohamed Musthafa on Raajje TV on July 28, calling them a “threat to national security”. MP Mohamed Musthafa was not fined for defamation. It should be noted that the television has also been fined for airing a slogan chanted during an opposition rally in a live coverage.

The fines were imposed under the controversial Anti-Defamation and Freedom of Expression Act 2016 that was heavily criticized by local and international organizations as being restrictive and contrary to international standards. The MBC also slapped a fine of MVR 200,000 (USD12,970) on state-owned Public Service Media over defamatory remarks made by a ruling party lawmaker at a televised press conference.



The MBC has also fined the Medianet – the country’s main cable television service provider MVR 500,000 (USD32,425) on June 17 for rebroadcasting an Al Jazeera corruption exposé in September. The ‘Stealing Paradise’ documentary, which exposed systemic corruption, abuse of power and criminal activity at the highest level of government, was deemed to pose a threat to national security and the Maldives government blacked out the documentary in the Maldives. After Al Jazeera announced the release of the documentary, the ministers and ruling party lawmakers threatened to take action against all of the film’s Maldivian contributors. The government also launched a media offensive against the documentary, even before it aired, accusing Al Jazeera of a conspiracy to topple the government as well as economic sabotage. A prominent editor appearing in the documentary – Zaheena Rasheed of the Maldives Independent, left the country because of the threat and still lives in exile.

The Maldives’ Majlis (Parliament) has been a bitter ground for dispute among ruling and opposition lawmakers with ugly scenes such as eviction of lawmakers, presence of high number of security personnel and scenes of fist-fights between the lawmakers. However, the MBC denied the Maldivian peoples their rights to know what’s happening in their parliament by warning TV stations against broadcasting footage live-streamed on social media by MPs who are inside the parliament chamber saying such videos contained “obscene language and content contrary to standards of public decency”. It advised broadcasters to “ensure that scenes like this are broadcasted in line with the Broadcasting Act, regulations under the Act, the Broadcasting Code of Practice, and the Anti-Defamation and Freedom of Expression Act”. Legal action will be taken against those who violate broadcasting laws, the commission warned.

Journalists in the Maldives are questioned over news content, and legally harassed over their mere presence at programs organised by opposition political parties. V news senior editor Ahmed Rifau was summoned for questioning at the police headquarters over a headline about the arrest of a senior opposition figure in June. The police contended that the headline, ‘Adam Azim arrested on charges of trying to topple the government,’ misrepresented the content of the arrest warrant. Azim was accused of speaking in a manner that encouraged the illegal overthrow of the government and of undermining public trust and inciting hatred toward the judiciary.

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Further media restrictions are likely to be imposed as the government-sponsored bill for the 'Maldives Media Commission' was tabled in the Parliament. Proposed by ruling party lawmaker Jafar Dawood for the creation of a new media regulatory body after dissolving the broadcasting commission and media council, the proposed regulator can impose hefty fines and temporarily shut down newspapers and TV stations. After investigating breaches of a new code of ethics, the Maldives Media Commission can order print and online outlets to make corrections, issue warnings, and impose fines of up to MVR100,000 (USD6,485) for repeated violations. If written or broadcast content is deemed to pose a danger to Islam, national security, public order or public health, the Commission can ask the police to stop publication or broadcast. The Commission can also seek court judgments to cancel the registration or broadcasting license of news-papers and TV stations.

International non-profit Transparency International Maldives condemned the government for proposing a bill that would merge two existing media watchdogs and "expand its sphere of state control on print and social media as well".

In May, the Maldivian police issued summons on Twitter to three liberal bloggers - Dr Azra Naseem, Muzaffar 'Muju' Naeem, and Hani Amir - living abroad to present themselves for prosecution over unspecified charges. The police said they would ask the Prosecutor General's office to press charges and try them in absentia if they refused. All three bloggers are known for their secular views and critical writing on Maldivian society and politics.

A positive development is the arrest and trial of seven suspects in the case of the murder of blogger Yameen Rasheed. The Criminal Court began the trial but it is closed to the public and the press, something Rasheed's family has expressed concerns about. Six of the seven suspects – Ismail Haisham Rasheed, Ahmed Zihan Ismail, Ismail Rasheed, Mohamed Dhifran, Hassan Shifaz, and Hussain Ziyad – were charged with felony murder and remain in state custody. The offence carries the death penalty.



The brutal killing of blogger Yameen Rasheed in the early hours of April 23 was a result of long brewing intolerance against free thinkers in the Maldives. The 29-year-old blogger was found with multiple stab wounds on his body at the stairwell of his residence and died soon afterward as the country woke up to a shocking news. Rasheed was a bold voice against injustice, autocracy and extremism. He ran the popular ‘The Daily Panic’ blog, and had received multiple death threats over the past few years, which he duly reported to the police. He complained on social media about police inaction and tweeted that he wasn’t ‘particularly afraid of death, but dying at the hands of lunatics isn’t the preferred death’. Rasheed was also a close friend of journalist Ahmed Rilwan, who disappeared in August 2014, and has been the leading voice in #FindMo-yameehaa, a campaign demanding justice for Rilwan, whose whereabouts remain unknown. The murder of Rasheed is a serious setback to freedom of expression in the Maldives, which has already seen waves of restrictions under President Abdulla Yameen.



Waves of Restrictions

Media freedom in the Maldives was on a downward slide in 2016 as the state continued to deal with media with an iron fist, introducing restrictive media regulations and harassing journalists of the opposition-aligned media. In this state of political turmoil, President Abdulla Yameen is accused of furthering his mission to tighten his grip on power, and not hesitating to use undemocratic measures to subdue opposition voices. In such a scenario, the media in the Maldives are under great pressure. It is a situation where critical voices are often absent, and self-censorship is high.

The state-owned Public Service Media runs two TV channels and three radio stations. There is just one print newspaper, Mihaaru, a new daily run on the strength of journalists mostly drawn from the country's oldest newspaper Haveeru, which was closed down by court orders due to ownership issues in March, 2016.

The constitution of the Maldives guarantees freedom of expression provided it is exercised in a manner “not contrary to any tenet of Islam.” This clause leaves room for interpretation, leading to restraint and censorship by journalists and avoidance of critical reporting on religious issues. Maldives is ranked 112th out of 180 countries in Reporters Without Borders’ (RSF) World Press Freedom Index, after falling 60 places since 2010.

Serious Setbacks

The Maldivian Parliament on August 9, 2016 passed the Anti-Defamation and Freedom of Ex-pression Act with 47 Members of Parliament voting in favour and 31 voting against. The Act was presented to Parliament despite widespread criticism at the national and international level for its restrictive provisions. The law criminalises defamatory speech, remarks, writings and actions and empowers the state authority to shut down media for its ‘defamatory’ content. The law includes a fine between MVR 25,000 (USD 1,621) to MVR 2 million (USD 130,000) or up to six months of imprisonment for slander, remarks or content that threatens national security or breaches social norms.

Individual journalists found guilty face fines between MVR 50,000 (USD 3,242) and MVR 150,000 (USD 9,727), a decision can only be appealed once the fine has been paid. In addition, journalists could be forced to reveal sources of information, which contradicts Article 28 of the Maldives Constitution. The USA, UK, EU, Germany, Norway and the Netherlands issued a joint statement prior to the vote on the legislation, saying that it was a “serious setback for freedom of speech in the Maldives” that would allow severe penalties to be imposed on those who exercise their democratic rights and freedoms.

The bill was proposed in March 2016, and was widely criticised by media workers in the Maldives. Large protests were held outside the Parliament and journalists were arrested. The Maldivian media community also launched a campaign against the bill, #27geDhifaauga (translated: “in defence of 27”) in reference to the constitutional article guaranteeing freedom of expression. The passing of the legislation is a major setback for the Maldives, which voted in November 2009 to decriminalise defamation under former President Mohammad Nasheed.

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In the first punitive action under the Act, the regulatory body, the Maldives Broadcasting Commission (MBC), slapped an MVR 200,000 (USD 13,000) fine on the opposition-aligned Raajje TV and a fine of MVR 50,000 (USD 3,200) on journalist Aala Ibrahim on March 7, 2017. The TV channel was fined on a complaint by a social worker who claimed a rape victim's family had accused her on Raajje TV of trying to cover up the rape and influence the police investigation. The TV was found guilty for naming the social worker in three news bulletins on November 19 without contacting her, which the MBC said "adversely affected" the social worker and her family. Raajje TV raised the money through a fundraising drive and paid the amount on April 6, 2017.

On the same day, the MBC slapped an MVR 1 million (USD 64,850) fine on Raajje TV for airing a speech at an opposition rally in October 2016 that was deemed defamatory towards the President. The MBC said it concluded after an inquiry that the content "openly created doubts in the hearts of the people about the legal duties or responsibilities of the ruler of the Maldives and damaged his honor and dignity". If the fine is not paid within 30 days, the commission can suspend or cancel Raajje TV's broadcasting license. The fine must also be paid in full before the regulator's decision can be appealed in court.

The fear instilled by the Act is so high in the Maldives that media and journalists are forced to self-censor. Some of the media have decided to close down instead of facing the wrath of the Act. Dhi TV, the Maldives' first private TV station, shut down at midnight on August 10, after giving a short notice to the staff. DhiFM, a radio station affiliated with the TV station, DhiFM Plus, and the Dhivehi Online website were also shut down. However, the company continued operation of two music channels on radio. A memo on the shutdown stated that the channels could not be run in a sustainable manner under the current circumstances.



Closure and Clampdown

In June, 2016, critical news website Channel News Maldives was forced to close after it ex-posed the first lady's misuse of state resources. Directors of Channel News Maldives annulled its parent company at an emergency meeting citing political pressure by the government and took down the website.

The website had exposed how an NGO linked to the First Lady Fathimath Ibrahim was distrib-uting dates donated by the king of Saudi Arabia. It also claimed that Fathimath had been given a share of government's quota allocations for the Hajj, the pilgrimage to Mecca. CNM also pub-lished a letter sent to the finance ministry by the Islamic minister asking it to give half of the grant donated by Abu Dhabi to Fathimath's NGO, the Sadagat Foundation.

The website's editor-in-chief, Ismail Rasheed, who also held 49 percent of the company shares, claimed that the site was forced to close down. This was, he said, "because of influential gov-ernment officials, who have been trying to erase this paper's existence when their first attempt at making us sing their praises failed." Established in 2011, the news site had a reputation for being critical of the government.

Earlier in the year on April 12, 2016, the Supreme Court upheld the August 2015 High Court de-cision splitting the ownership of Haveeru, the country's oldest independent daily. Widely per-ceived as politically motivated, the decision forced the newspaper to stop printing and close down its website.

Another critical news outlet, AdduLive, was banned by the Maldives government on April 26, 2016. Home Minister Umar Naseer ordered the telecoms regulator to block access to regional news website because it was unregistered. Maldivian law does not require registration of online news sites. AdduLive claimed that the block was prompted by an April 19 article linking First La-dy to corruption on which an unnamed individual filed a complaint over the article with the print and media regulator, the Maldives Media Council (MNC). The MNC forwarded the complaint to the Home Ministry, as it did not have the mandate to look into complaints relating to unregistered news sites. Many other media houses have scaled down operations and are not covering critical news due to fear of reprisal. One of the fallouts of the closures is that several journalists have lost their jobs.

Critical journalists harassed

Harassment and intimidation of journalists has had a direct impact on the freedom of the press. Two journalists, Hussain Fiyaz Moosa, the chief operating officer of Raajje TV, and Ahmed Azif, an assistant editor of Sun Online, were arrested on July 27, 2015, while reporting the attempt by the opposition to perform prayers inside an Islamic centre in Malé. They were later released after being held at the police headquarters for about four hours. Fiyaz said he was accused of planning a political activity and of taking photographs inside the mosque. Azif was accused of obstructing police duty.

Azif was lucky to escape without a lawsuit as two journalists of Raajje TV were found guilty and fined MVR 28,800 (USD 1,868) on January 24, 2017, by the criminal court for ‘obstructing the police on duty’. Journalists Mohamed Wisam, 21, and Leevaana Ali Nasir, 20, were covering a bomb scare in November, 2015 when they were arrested. Wisam and Nasir became the first journalists to be sentenced in the Maldives in more than a decade. Wisam, who was accused of obstructing police during an anti-government protest in 2015, was acquitted on March 28, 2017 because of insufficient evidence.

Some journalists of Raajje TV and the Maldives Independent received death threats for the pro-posed coverage of the development plan of the atoll. Faafu Atoll was in the headlines as the visiting Saudi King was expected to sign a controversial USD 10 billion deal to develop the atoll. Even before the Raajje TV team reached Nilandhoo, Faafu Atoll, the station started receiving phone calls threatening to kill the journalists.

The police took journalists Hassan Mohamed and Hassan Moosa of the Maldives Independent into “protective custody” in Faafu Atoll after ruling party supporters threatened them with assault after surrounding the guesthouse they were staying at and demanding that they get off the is-land. The police rescued them from the guesthouse but instead of acting to protect them from intimidation, took away their phones and later combed through their notes and photographs.

They were accused of “spreading hatred” on the island. They were held overnight and not al-lowed to make any phone calls. The police also arrested citizens who tweeted against the deal and confiscated their phones.

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Foreign journalists screen

Elwira Magdalena Szczecian, a Polish freelance photographer, and her husband Santarosa Francesco, an Italian businessman, were arrested while taking photographs at an opposition rally in Malé in July 28, 2016, on charges of 'practising journalism' on a tourist visa, and were deported, despite the Criminal Court ordering their release.

The Department of Immigration in January, 2017, set new rules requiring background checks on foreign journalists and photographers visiting the Maldives. Under the new rules, foreign journalists and photographers arriving in country are required to undergo a vetting process in addition to applying for a business visa, which requires a Maldivian sponsor. They must provide details of their work and travel histories and education. Ahead of arrival, journalists must also submit bank statements dating back six months, a three-month medical report, and a one-year police report to show they have no criminal record.

Interestingly, in March, 2017, three foreign journalists who arrived in the Maldives on an invitation from the government were threatened with deportation for seeking to enter the country without undergoing the mandatory vetting process. A deputy editor from Climate Home, a writer from The New Scientist and a freelancer from The Guardian were held at the airport for three hours after immigration officials learned that they were journalists.

The Immigration rules were announced after the Maldives saw growing media coverage in the international press about the political crisis and news about the president. Al Jazeera broadcast the documentary Stealing Paradise on September 7, 2016, claiming that the Maldivian government "controls all the levers of state", often using its power for nefarious purposes.



A member of the ruling party also threatened to use the controversial defamation laws against anyone involved in producing or broadcasting what the party says are false allegations of corruption in an Al Jazeera documentary. Producer Will Jordan, was attacked for being a non-Muslim and also received death threats. A tweet he received on August 3 read: “U will die soon. We have hired some gunmens to shot u. & we r not afraid of f***** anyone or any country. See the bullet”, followed by a gun emoji.

Police raided the offices of the Maldives Independent just hours after airing of the documentary. They presented a search warrant, alleging a conspiracy by the news outlet ‘to overthrow the elected government, getting external help to overthrow the elected government, trying to create hatred between the public and the state institutions, and planning to create discord and unrest in Malé. Zaheena Rasheed, the editor of the Maldives Independent, who was interviewed in the documentary left the country before its broadcast fearing the backlash and has not yet returned.

No trace of Rilwan

Al Jazeera’s documentary also accused President Abdulla Yameen of instructing the home af-fairs minister to “not to be overwhelmed” by the case of Abdulla Ahmed Rilwan. The Maldives Independent journalist went missing on August 8, 2014. Rilwan,28, was last seen boarding a ferry travelling to Hulhumale Island from the capital Malé. The evidence indicates that Rilwan was abducted out the front of his apartment, as neighbours heard screams before a man was forced into a car. Police recovered a knife at the scene. Rilwan’s family also received phone calls warning them to call off search efforts. The Maldives police have failed to unearth any clue regarding the abduction or his whereabouts and took more than a year to ascertain that it was an abduction. Five suspects were arrested in September that year, but were released by the courts weeks later. No one has been prosecuted to date over the disappearance.

The government on May 10, 2016, denied involvement in the disappearance of Rilwan. Re-ponding to the UN Working Group on Enforced and Involuntary Disappearances in Geneva, the Maldivian foreign ministry said the government rejected any suggestion that it is responsible for the disappearance of Rilwan, or that it has any involvement as alleged.

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In a statement, the ministry called the police’s ongoing probe “thorough”, “professional” and said the government has “treated the disappearance with the utmost urgency; each and every individual witness has been interviewed and all lines of enquiry followed to their conclusion.”

Given the blockade of information from the police regarding the investigation, Rilwan’s family filed a right to information request in the civil court in December 2016. However, with the police refusing in February 2017 to accede to holding talks mediated by the court, the case will now be heard in court.

