

**Submission on the Maldives to the Universal Periodic Review (UPR) Mechanism
by Minivan News and Minivan Radio**

Media, Press Freedom

Right to Information

Freedom of Opinion and Expression

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INTRODUCTION

Reporting Agencies

1. Minivan News is an independent online news website, the only English language news service in the Maldives. It was established in 2004.
2. Minivan Radio was launched in exile on 14 August 2004 and is now based in Male', Maldives.
3. The two organizations, though sharing Minivan News and Minivan Radio joining to submit this report are not affiliated. *Minivan* is the Dhivehi word for both *Independent* and *Free*.

Submission to UPR Process

4. The Maldives media has not previously made a submission to the UPR process, and this initiative to submit a thematic report is made following serious concerns on press freedom, right to information, right to freedom of opinion and expression and protection of journalists and free speech in the Maldives, in the current reporting period, 2010 – 2014.
5. This submission reports on the progress or lack of progress on recommendations relevant to the thematic areas covered, and provide information on new issues and concerns that has risen in the reporting period.

FOLLOW-UP ON RELEVANT RECOMMENDATIONS

6. Despite the developments reported by the State in 2010, the situation with regard to the press freedom and protection of freedom of expression and journalists in the Maldives has sharply deteriorated between 2010 and 2014.

7. Journalists and media professionals as well as bloggers and social media activists are threatened, intimidated and attacked constantly, and the state has failed to take timely action to protect journalists and guarantee journalists can practice their profession freely. Details are provided in this submission.
8. Measures necessary to ensure full respect for freedom of expression are yet to be taken.
9. The Right to Information Act was ratified on 12 January 2014, and states that “its interpretation and implementation shall not undermine the right to acquire and disseminate information”. MJA believes this is vital for realizing the full potential of the Act. MJA also notes that the Right to Information Act requires all information withheld as necessary exceptions to be published after a period of 10 years, which the Association views a proper and appropriate requirement.

VIOLENT ATTACKS ON JOURNALISTS

10. On 22 February 2013, three journalists were attacked in two separate incidents. In the first incident, a packet filled with thinner was thrown at Deputy Editor at Maldives Broadcasting Corporation (MBC) **Aishath Leeza** and Reporter **Aminath Saani**. MBC reported that it caused body injuries.
11. In the second attack on 22 February 2013, Head of News at Raajje TV, **Ibrahim Waheed (Asward)**, was brutally attacked with an iron rod, causing serious head and face injuries. The attack took place near the Artificial Beach late in the night as he was riding on the back of a motorbike. Ibrahim Waheed (Asward) suffered serious injuries and had to be evacuated to Colombo, Sri Lanka, after initial treatment at ADK Hospital in Male¹. While recovered, he lost one eye in the attack.
12. In March 2013, a reporter and a cameraman were violently attacked while covering the arrest of former President Mohamed Nasheed¹.

¹ <http://www.mja.org.mv/index.php/news/220>

HARASSMENT, INTIMIDATION AND DEATH-THREATS

13. At least 15 journalists received death-threats in July/August 2014 via text messages from an unlisted number warning of murder if gang crimes are reported in the media. “If you write things about the gangs in the media, I will kill you,” the text read².

ARRESTS

14. On 27 March 2013, a journalist was prevented from taking photographs outside the Justice Building which houses the Criminal Court and arrested by the Police for not having his Press Card displayed, despite him showing his press card and to the Police and explaining he carried the card in his pocket as it was dangerous for his identity to be known to alleged serious criminals he was photographing.
15. On 26 February 2014, Haveeru journalist at Addu City, **Ahmed Adhushan** was arrested by Police for photographing a police operation at Addu (Seenu) Atoll Feydhoo harbour. He was kept under arrest for 6 hours, and claims to have been verbally abused and threatened by the Police while in custody.

Haveeru filed the case with Maldives Police Services, Police Integrity Commission, Human Rights Commission of the Maldives and Maldives Media Council, requesting investigation³.

16. On 27 September 2013, a photographer covering opposition protests was arrested by the Police accused of “disrupting the duty of police”.

² <http://www.haveeru.com.mv/journalists/55942>

³ http://www.haveeru.com.mv/maldives_media_council/51715

DISAPPEARANCES

17. On 8 August 2014, **Ahmed Rilwan (Rizwan) Abdulla**, a journalist with Minivan News went missing, and it is strongly believed he was abducted. Into the second month since his disappearance, there is no information available on the case despite the Government's assurance that it is a top priority case.

Rilwan's disappearance came amidst a number of anonymous threats, including death threats to journalists. These threats have not been investigated⁴.

More information on Rilwan's disappearance, local and international media coverage, and updates of campaign by family and friends to find him is available on www.findmoyameehaa.com and under hashtag #FindMoyameehaa

VIOLENT ATTACKS ON MEDIA INSTITUTIONS

18. In the change of government, TVM was physically attacked on 7 Feb 2012 by the security forces and then opposition politicians and activists. This attack has not been investigated to date.

19. VTV was attacked in March 2012. These incidents were investigated and those responsible prosecuted.

20. On 7 October 2013, Raajje TV was burnt down in an arson attack. MJA notes that while there were no fatalities in the attack, the security guard on duty at the television station was attacked with a sharp object (knife) and injured and that the station's equipment were targeted and damaged, rendering them unusable. While CCTV footage show the attackers, investigation is not yet completed and no one has been prosecuted for the attack.

⁴ <http://minivannews.com/politics/how-serious-are-cyber-death-threats-86832>

DISCRIMINATION BY THE STATE

21. In 2012 Maldives Police Services (MPS) announced the station and persons working for the station will not be provided protection, accusing the station of “continuously broadcasting fabricated and false content intended to defame, tarnish and undermine the integrity of the Police in the eyes of the people”.

22. In August 2012, the President's Office announced a ban on Raajje TV, accusing the station of “spreading false information and fabricated content”. “Raajje TV was not invited to the press briefing held by President Waheed prior to his departure to the OIC Summit. When we inquired about it we found out of the decision had been made to cease cooperating with us. But we will always cooperate with the government and its institutions,” Raajje TV noted⁵.

A case against PO was filed at the Civil Court and on 13 April 2013, Court ruled in favour of Raajje TV.

DE JURE THREATS TO MEDIA, PRESS FREEDOM

Parliamentary Privileges Act

23. The Parliamentary Privileges Act threatens press freedom, and poses serious challenges for free and independent journalism..

Article 17(a) of the Act states: “[Parliament or a Parliamentary Committee has the power to] summon anyone to parliament or one of its committees to give witness or to hand over any information which the parliament wish to seek.” This could force journalists to reveal their

⁵ <http://www.haveeru.com.mv/news/43956>

sources to the parliament, and undermines Article 28 of the Maldives Constitution which gives the right to protect the sources.

Article 28 of the constitution states “Everyone has the right to freedom of the press, and other means of communication, including the right to espouse, disseminate and publish news, information, views and ideas. No person shall be compelled to disclose the source of any information that is espoused, disseminated or published by that person.”

Article 4(a) of the Parliamentary Privileges Act states that “any act which undermines the parliaments and its work is an act of violation” without clearly stipulating the “act”. This leaves the question to open interpretation as to how a person can violate the privilege of the parliament, and open to abuse for political or personal benefit by MPs and parliament. Although the legislation gives the authority for the prosecutor general to prosecute and the police to investigate some of the cases examined by the parliament,

Further, some clauses in the Parliamentary Privileges Act may be interpreted in such a way the parliament and parliament committees can precede criminal investigations.

Supreme Court Regulations on Contempt of Court

24. Supreme Court Regulations on Contempt of Court prevent media from reporting on Courts, and Court cases, as any reporting can be deemed to be in contempt of Court.

25. Some reporters remain charged with contempt of Court for reporting.

Supreme Court Guidelines on Elections

26. In October 2013, Elections Commission of Maldives announced media will not be allowed to carry anything except a pen into polling stations during presidential elections in following the Supreme Court Guidelines on elections.

Maldives Broadcasting Commission (MBC) challenged the EC ban at the Supreme Court.

The Supreme Court Guidelines required EC to “prohibit and ensure that those who enter the polling stations in order to vote or for any other purpose (including officials), do not carry phones, handbags, files or any other item (except pens) that may compromise the rights of candidates”⁶.

OTHER RESOURCES

<http://www.mja.org.mv>.

<http://www.mja.org.mv/index.php/news/219>

http://www.haveeru.com.mv/maldives_media_council/53897

<http://www.minivannews.com>

⁶ http://www.haveeru.com.mv/maldives_media_council/51715