

Mr. Mohamed Nasheed
Minister of Information and Arts
Ministry of Information and Arts
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Republic of the Maldives

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11 September 2007

Re. Open Letter on Press Law

The Honourable Mr. Mohamed Hasheed,

We, the undersigned member organisations of the International Mission for Press Freedom in the Maldives, are writing to urge you to ensure the incorporation of recommendations contained in ARTICLE 19's May 2006 Memorandum on the Maldives Bill on Freedom of the Press into the draft Bill that is currently before parliament.

The International Mission notes that in a recent speech given by yourself to the Majlis, it was reported that you described ARTICLE 19 as an organisation which works for "extreme freedoms" and that "Everything they [ARTICLE 19] say cannot be fitted into our society." The analysis in the ARTICLE 19 Memorandum is drawn from international law which is binding on all States. It is not extreme or even controversial and all of the members of the International Mission support the recommendations in the Memorandum.

The Bill does contain some positive safeguards for media freedom, such as a prohibition on prior censorship. However, these are limited and could be far more fulsomely developed. For example, while the Bill does provide for some protection for autonomy and against mandatory source disclosure, the circumstances under which this may be withdrawn are unnecessarily broad.

The Bill also contains a number of overbroad and vague provisions, in particular in relation to what the media may or may not publish, which together far outweigh the limited protections it provides for. The Bill also places various types of statements outside the scope of "freedom of the press" altogether – including statements that are inconsistent with "basic tenets of Islam", that would threaten the sovereignty of the nation and that would impinge on the maintenance of "public peace". Furthermore, Article 12 allows the government to confiscate publications which breach the law, prior to a court ruling to this effect, a form of administrative censorship.

Under international law, restrictions on the content of what may be published must be clear and narrowly drawn to prevent their being abused for political purposes, and impose sanctions which are proportionate to the harm done, to prevent them exerting a chilling effect on freedom of expression. Many restrictions in the draft Bill fail to meet these standards.

The International Mission has on a number of occasions welcomed your personal commitment to reform in the area of freedom of the media, as well as formal commitments of the same by your government. We have, however, so far been very disappointed by the lack of concrete reform undertaken by the Maldivian government. For the Maldivian government to make a success of its roadmap for reform agenda, genuine legal guarantees for media freedom must be put in place. The adoption of the press law presents an important opportunity for the government to show that it really is committed to press freedom and we urge you to do all within your power to ensure that the law which is finally adopted is as consistent with international standards as possible.

We again pledge our full support to you in this undertaking.

ARTICLE 19

Reporters sans Frontières (RSF)

International Federation of Journalists (IFJ)

International Media Support (IMS)

South Asia Media Commission (SAMC)