



**Excellency, Mr. David Kaye
Special Rapporteur on the Promotion and Protection of the Right to Freedom of
Opinion and Expression**

c/o Office of the United Nations High Commissioner for Human Rights
United Nations Office at Geneva
Palais des Nations
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By email: freedex@ohchr.org

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Excellency,

We are an NGO, working to promote free and open democracy in the Republic of Maldives, through respect for human rights, judicial independence and the rule of law. We write to bring to your attention the latest retrograde legislative measure taken by the ruling-party controlled People's Majlis (parliament) that is designed to restrict government oversight and dissent. The Government of Maldives has normalized, due to impunity, the derogation of its international commitments at a contextually disproportionate scale.

Since the highly disputed transfer of power in February 2012, successive governments have enacted laws that overwhelmingly emphasize restrictions¹ instead of the rights, liberties and freedoms the Government of Maldives is under obligation to uphold. The criminalization of defamation and certain forms of free speech through this new legislative transgression will make Maldivian democracy take a nosedive to censorship levels that pre-date democratic reform.

¹ See Maldivian Democracy Network, Communication to United Nations Special Rapporteur on the Situation of Human Rights Defenders, accessible at: <http://www.mvdemocracynetwork.org/wp-content/uploads/2015/10/Communication-to-UNSR-on-human-rights-defenders.pdf>

The Government's legislative agenda, in its current form, continues to dismantle the democratic ideals adopted with the 2008 Constitution. During the first administration post-democratization, defamation was decriminalized and limited to legal recourse under civil proceedings. A Freedom of Expression Bill was initially submitted to the parliament in July 2015² criminalizing certain forms of expression deemed to be contrary to "national interest," in effect gagging expressions critical of the government. Essentially the Bill arranges all organs—including independent commissions—of the State to reassert power to the current regime on the premise of inexplicit national security concerns, at the expense of freedom of expression and good governance.

In addition to national security, criticism and any interpretation of Islam that is inconsistent with the state-sponsored version is prohibited and can be penalized. If this Bill is enacted, it will replace the draconian Religious Unity Act of 1994. The result of any misfeasance with the legal provisions can result in a prison sentence of between one to three years and a fine of between MVR50,000 (US\$3,242) and MVR100,000 (US\$6,485). For cases of defamation, the defendant might have to pay damages of up to MVR 5 million (US\$324,000).

This development is foreboding as public perception of the government is at an all-time low following disintegration of ruling coalition partners. Since the beginning of 2015, international and local news has been continually dominated by politically motivated trials of opposition figures³ and instances of unprecedented grand corruption.⁴ Journalists, opposition parliamentarians, lawyers, defecting public officials and whistle-blowers are at high risk of being prosecuted if this Bill becomes law. As of now, four media outlets have been banned from the Criminal Court.⁵

In effect the freedom of expression guaranteed under Article 27 of the Maldivian Constitution restricted by non-contravention of Islamic tenets (correlating with Article 18 and 19 of the International Covenant on Civil and Political Rights) has now been effectively withheld, as a ruling party MP has clearly stated that the article would be "struck out" from the Constitution using an amendment.⁶

We fear that without timely intervention, the country has completed its slide back to autocracy. We strongly urge you to investigate this matter further to prevent this flagrant abuse of rights being perpetrated through the parliament, judiciary and police force in collusion with the executive.

² See Ahmed Naish, "Bill Proposes Criminalizing 'Expressions Contrary to National Interest and Islamic Tenets'", accessible at: <http://maldivesindependent.com/politics/bill-proposes-criminalizing-expressions-contrary-to-national-interest-and-islamic-tenets-101077>

³ See Freedom Now, "Moving From Condemnation to Action", accessible at: <http://www.freedom-now.org/wp-content/uploads/2016/01/Moving-from-Condemnation-to-Action.pdf>

⁴ See Mariyam Shiuna, "Maldives: Islands Lost in Corruption", accessible at: <http://blog.transparency.org/2016/03/18/maldives-islands-lost-in-corruption/>

⁵ See Mohamed Yameen and Mohamed Visham, "Maldives Court Mum on Media Ban," accessible at: <http://www.haveeru.com.mv/news/67116>

⁶ The comment was made by ruling coalition MP Ahmed Amir on 16th March 2016.

Yours Sincerely,

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