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Proposed Fiji media law threatens journalists with jail

The Fijian government will be able to imprison journalists for up to five years, obliterating media freedom, if its Cabinet adopts a repressive draft Media Decree tomorrow, says Amnesty International.

“The Fijian government is giving itself a license to imprison or bankrupt its critics. The decree will further restrain the media from reporting government and military abuses, for fear of reprisals through a kangaroo court,” says Amnesty International’s Pacific Researcher Apolosi Bose.

The decree will extend and deepen the already widespread censorship provided under the Public Emergency Regulations that have been in force since April 2009.

“Fijian journalists have already been intimidated, threatened and assaulted by the military since media censorship was authorised in April 2009. Now they could face up to five years in jail or fines big enough shut down a media outlet, through a complaints system controlled by government and not bound by formal rules of evidence,” said Apolosi Bose.

The draft decree was rushed through a three-day consultation, and will likely be approved by the Fijian government in Tuesday’s Cabinet meeting. If made law, the government will exert greater control of media content and media ownership through a powerful new media authority; and journalists, editors and media organisations will be able to be jailed by a tribunal headed by a Presidential appointee.

Amnesty International believes that the decree’s vaguely worded provisions will be interpreted with a view to punishing peaceful critics of the government.

“Going by past experience, the decree’s generic references to national interest and public order simply mean that the media will not be allowed to criticize Fiji’s leaders, members of the security forces, or their supporters and associates,” said Apolosi Bose.

The Fiji Media Industry Development Authority, to be set up under the draft decree, is tasked with ensuring that local media do not publish material that threatens public interest or order; is against the national interest; offends good taste and decency; or creates communal discord. It will have wide powers of investigation over journalists and media outlets, including powers of search and seizure of equipment.

The proposed Media Tribunal will decide complaints referred by the Authority, and will be able to impose five year jail terms, and fines of up to USD50,000 for journalists and editors, and USD250,000 for media organisations. Despite these highly punitive powers, it will not be bound by formal rules of evidence.

Background

A three-day consultation with media representations on the draft decree ended last week, and has been widely considered a sham. Participants were given only two and a half hours to read the 50-page document before they were asked to make comments and submissions on the draft decree. They were not permitted to take away copies for circulation.

The Attorney General, Aiyaz Sayed-Khaiyum has indicated the Fijian government's intention to 'expeditiously' pass the draft decree into law, and President Voreqe Frank Bainamarama has told opponents of the decree to "change their mindset" in support of the national interest.

Past actions of the government have shown that it does not have any real commitment to upholding media freedom. Since the military takeover in December 2006, intimidation and threats against journalists and editors of local and overseas media outlets have been the norm. Several overseas journalists and expatriate editors have been deported from 2008.

The abrogation of the Constitution in April 2009 saw a renewed crackdown on freedom of expression and increased censorship under the Public Emergency Regulations. These emergency laws have been regularly renewed since then.