



## FOM BRIEFER

### Maldives: one year after the coup

- **7<sup>th</sup> February 2013 marks the one-year anniversary of the coup d'état in the Maldives, overthrowing the first democratically elected President of the Maldives, Mohamed Nasheed.**

The Commission of National Inquiry, established by the Coalition Government of Dr Waheed and the Commonwealth to look into the events of February 2012, failed to take into account key evidence and testimonies from the country's most senior police and military intelligence officials and ruled in the favour of the coalition Government, stating that Mohamed Nasheed resigned without threat.

- Despite calls from the international community to hold early elections, the government of President Waheed has set the presidential elections for 7<sup>th</sup> September 2013. A year to the day since the toppling of his predecessor, Waheed announced in an interview that the islands' "honeymoon with democracy" was coming to an end.
- Mohamed Nasheed is currently on trial under Section 81 of the Penal Code: "Public servant using authority to arrest or detain innocent persons". His imminent sentencing would effectively prevent him from running for elections. Canadian Foreign Minister John Baird stated last year that: "*The threats of the present government to arrest its opponents, including former President Nasheed [...] so as to prevent his candidacy, undermine that government's credibility and violate its undertakings to the Commonwealth Ministerial Action Group.*"<sup>1</sup>
- Following peaceful demonstrations, over 30 MDP activists were arrested on 1<sup>st</sup> February 2013, among them, Aminath Shauna, MDP youth wing leader. Nearly 2,000 innocent protestors have already been detained, many beaten and hospitalized. Waheed himself has admitted that his police force hospitalizes people in his letter to UK dignitaries on Oct 15<sup>th</sup> 2012.
- Amnesty International, the Human Rights Commission of Maldives and other human rights groups have denounced the violence and sexual abuse of detainees being perpetrated by police. To this date, no member of the security forces has been held accountable.

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<sup>1</sup> <http://www.international.gc.ca/media/aff/news-communications/2012/07/27b.aspx?lang=eng&view=d>

## 1. The Failures of the Commission of National Inquiry (CoNI)

The Commonwealth Secretariat paid for 1 co-chair and 2 experts. They were out of the Maldives on leave for 31 days during the tenure of two months.

Ahmed Saeed (Gaha) representative of President Nasheed to CoNI raised key concerns to the CoNI. They were shared with the Commonwealth Secretariat.

The CoNI **did not interview** key witnesses present inside the military headquarters on the night of the mutiny, among them, **former Police Commissioner** Ahmed Faseeh and **former Chief of Defence Force** Moosa Ali Jaleel

**Out of 293 interviews, only 5 testimonies were discussed by the whole Commission**, and these were only those who argued that President Nasheed resigned voluntarily.

The report was drafted on 25th August, before the Commission held discussions on the facts and events. These discussions took place on 28<sup>th</sup> and 29<sup>th</sup> August.

The Terms of Reference were amended on 28<sup>th</sup> August, to include “illegal coercion”.

The former Military and Police Chiefs and a serving Brigadier-General told the Parliament that their testimonies were ignored/misrepresented by the CONI.

The Executive Oversight Committee of the Maldives Parliament began looking into the findings of the CoNI report in January 2013.

The Executive Oversight Committee summoned key witnesses including:

- Major General Moosa Jaleel, (Chief of Defense Force on 7<sup>th</sup> Feb)
- Brigadier General Ibrahim Didi, (Commander of Male' area on 7<sup>th</sup> Feb)
- Brigadier General Ahmed Nilaam, (Head of Military Intelligence on 7<sup>th</sup> Feb)
- Commissioner of Police, Ahmed Faseeh (Police Commissioner on 7<sup>th</sup> Feb)
- Chief Superintendent Mohamed Hameed (Head of Intelligence, Maldives Police Service on 7<sup>th</sup> Feb)

**All witnesses stated, unequivocally, that the change in government bore all the hallmarks of a coup d'état.** All made clear that following a meeting between opposition leaders and the-then Vice President, Mohamed Waheed, in the weeks preceded 7<sup>th</sup> February, those planning the coup swore their loyalty to him and thereafter he was fully implicated in the plot. All had seen evidence that the plot to remove President Nasheed included the possibility that he would be assassinated if he did not leave willingly.

Further, those interviewed by both the CoNI and the Parliament, claimed on record that the evidence and testimony they presented to the CoNI was either ignored or misrepresented.

All witness statements/audio recording have been made public by the Parliament and are available on their website. A legal review of the CoNI report made by Former Attorney General of Sri Lanka and team, highlighted that the CoNI had used selective evidence to reach conclusions and that the investigation lacked in inclusivity.

## 2. No accountability for human rights violations

In the weeks and months following the coup d'état in February 2012, tens of thousands of people took to the streets against the new government.

Protestors were met with widespread police brutality. **Those who were beaten up and sexually assaulted, as documented by Amnesty International, still remain without recourse to justice.**

In July 2012, a briefer containing medical reports and detailing 15 cases of police brutality was submitted to the UN Human Rights Committee and shared with the Commonwealth Secretariat.<sup>2</sup>

No response from Commonwealth Secretariat was received and it is unknown whether this report was shared with the Commonwealth Ministerial Action Group (CMAG).

An update of this report was submitted to the Commonwealth Secretariat on 24<sup>th</sup> January 2013.

Even after CMAG claimed in its concluding statement in September 2012 that "*certain acts of police brutality had occurred during that period which should be further investigated*", no investigation has taken place into the police brutality that occurred towards parliamentarians and democracy supporters.

While the Maldives Police Service claimed that certain disciplinary measures were taken against a number of police officers, none of these cases were in relation to the brutality that occurred on the 7 & 8<sup>th</sup> February 2012 as well as during other pro-democracy rallies. Some of the police officers identified by the victims as those who perpetrated the crimes, have been given promotion.

The Human Rights Commission of Maldives admitted to Parliamentary Executive Oversight Committee on 6 Feb 2013 that one year on only 1 police officer is facing charges for brutality and that he was given double promotions after 7<sup>th</sup> February. No other policeman is facing any charges.

## 3. Recommendations

FOM calls on the Foreign Governments and the European Union to:

- Request the immediate and unconditional release of all protestors
- Demand that all politically-motivated charges against former President Mohamed Nasheed are dropped, or to obtain the presence of international observers at the trial of Mohamed Nasheed and ensure he is given due process.
- Send international election observers to ensure a free and fair elections in September 2013
- Failing a positive response from the Government of Maldives, issue a travel ban on all officials from the Government of Maldives.

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<sup>2</sup>[http://www2.ohchr.org/english/bodies/hrc/docs/ngos/HRViolations\\_Maldives\\_HRC105.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/HRViolations_Maldives_HRC105.pdf)